



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-10427-RGS

\*\*\*\*\*  
LAURA PATRICK, \*  
Plaintiff, \*  
v. \*  
JANSSON CORPORATION, \*  
Defendant. \*  
\*\*\*\*\*

DEPOSITION OF LAURA PATRICK, taken  
pursuant to the applicable provisions of the  
Federal Rules of Civil Procedure, before Susan L.  
Prokopik, Registered Merit Reporter and Notary  
Public in and for the Commonwealth of  
Massachusetts, at the offices of Riley & Dever,  
P.C., 210 Broadway, suite 201, Lynnfield,  
Massachusetts, on Tuesday, January 25, 2005, at  
10:04 a.m.

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72 CHANDLER STREET, SUITE 3  
BOSTON, MASSACHUSETTS 02116

(617) 426-6060

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## 1 APPEARANCES:

## 2 ON BEHALF OF THE PLAINTIFF:

3 THERESA FINN DEVER, ESQ.  
 4 Riley & Dever, P.C.  
 5 210 Broadway, suite 201  
 6 Lynnfield, MA 01940  
 7 (781) 581-9880

## 8 ON BEHALF OF THE DEFENDANT:

9 DANIEL L. PALMQUIST, ESQ.  
 10 Leonard, Street and Deinard  
 11 150 South Fifth Street, suite 2300  
 12 Minneapolis, MN 55402  
 13 (612) 335-1500

## 14 ALSO PRESENT:

15 Joel Rudy  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

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## 1 PROCEEDINGS

2 -----

3 LAURA PATRICK

4 having been satisfactorily identified and duly  
 5 sworn by the Notary Public, was examined and  
 6 testified as follows:

## 7 EXAMINATION BY MR. PALMQUIST:

8 Q. Miss Patrick, my name is Dan Palmquist and I  
 9 represent Jansson Corporation in this matter.  
 10 I'm here to ask you some questions about your  
 11 lawsuit. You understand that?

12 A. Yes.

13 Q. Now, when you returned from your FMLA leave in  
 14 December of 2001, you told Arlene Osoff that you  
 15 wanted to cut back your hours from full-time to  
 16 32 hours per week, correct?

17 A. No.

18 Q. You told her you wanted to cut back your hours at  
 19 the plant; isn't that correct?

20 A. Yes.

21 Q. And Arlene Osoff told you that you would be  
 22 making approximately \$22 or 22.50 an hour; is  
 23 that correct?

24 A. Yes. She did mention that.

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1 Q. Okay. She told you that you would make that  
 2 because you were moving from full-time to  
 3 whatever part-time arrangement you wanted; isn't  
 4 that correct?

5 A. It wasn't considered part-time. But because it  
 6 was not going to be five days, it was going to be  
 7 four days, she classified that as part-time.  
 8 Therefore, the change in the hourly rate.

9 Q. Because you were moving from five days to four  
 10 days; is that correct?

11 A. That's what she said, yes.

12 Q. Now, Arlene Osoff didn't tell you your proposed  
 13 wage of 22 or 22.50 an hour would be that until  
 14 you told her you wanted to reduce your hours;  
 15 isn't that correct?

16 A. I'm sorry. Can you repeat the question?

17 Q. Okay. Arlene Osoff did not tell you that your  
 18 wage would be \$22 an hour until you told her you  
 19 wanted to go from five days to four days a week;  
 20 is that correct?

21 A. Yes.

22 Q. Okay. You are not claiming that she would have  
 23 proposed a reduced wage if you had not requested  
 24 a modified schedule, are you?

2 (Pages 2 to 5)

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1 A. I'm not sure I quite understand what you're  
2 saying. Just repeat that.  
3 Q. Okay. Ms. Osoff proposed a \$22 an hour wage  
4 because you asked for a modified schedule, didn't  
5 you?  
6 MS. DEVER: Objection.  
7 You can answer. I'm just stating an  
8 objection.  
9 A. Yes.  
10 Q. Okay. She didn't say that she was paying you 22  
11 -- going to pay you \$22 an hour because you're  
12 female, did she?  
13 A. No.  
14 Q. She didn't propose that wage because you were  
15 pregnant, did she?  
16 A. No.  
17 Q. Okay. She didn't propose that wage because you  
18 took family and medical leave, did she?  
19 A. No.  
20 Q. Have you ever had your deposition taken before  
21 today, Miss Patrick?  
22 A. No.  
23 Q. Do you understand the process and the purpose of  
24 this deposition?

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1 A. Yes.  
2 Q. I will be relying on you to give me complete and  
3 thorough answers to my questions regarding your  
4 allegations of discrimination. If you don't  
5 understand a question, please ask me to repeat it  
6 or rephrase it as you have already done.  
7 A. Okay.  
8 MS. DEVER: Could I state something?  
9 When we start a deposition, we usually put some  
10 stipulations on the record about objections. I  
11 don't know if that's the practice in Minnesota  
12 but --  
13 MR. PALMQUIST: If you want to tell me  
14 what the stipulations are.  
15 MS. DEVER: Usually we would say that  
16 the witness would have 30 days to review the  
17 transcript once it is available to make any  
18 corrections and to sign the transcript. And  
19 usually we hold all objections except objections  
20 as -- all objections as to form until the time of  
21 trial except maybe objections as to privilege or  
22 other such matters.  
23 MR. PALMQUIST: Those two stipulations  
24 are acceptable.

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1 MS. DEVER: Okay.  
2 MR. PALMQUIST: And normal in Minnesota  
3 as well.  
4 MS. DEVER: Okay.  
5 Q. It's very important that you answer verbally so  
6 that the court reporter can record your  
7 testimony.  
8 A. Okay.  
9 Q. If you please wait until I finish asking my  
10 question until you start your answer, that will  
11 help her in terms of transcribing everything that  
12 happens here today. If you need a break at any  
13 time, please let me know.  
14 Are you taking any medication today?  
15 A. No.  
16 Q. Okay. How are you feeling today?  
17 A. Fine.  
18 Q. What did you do to prepare for today's  
19 deposition?  
20 A. I read through some notes that I wrote for my  
21 lawyer.  
22 Q. Do you have those notes with you?  
23 A. Yes, I do.  
24 Q. \*\*\* Can I see them, please?

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1 MS. DEVER: No. They're  
2 attorney-client privileged. It was a letter she  
3 wrote to me.  
4 MR. PALMQUIST: She reviewed it to  
5 refresh her recollection.  
6 MS. DEVER: That doesn't -- I mean,  
7 it's still attorney-client privilege.  
8 MR. PALMQUIST: I'm afraid that the  
9 rule is that if she used it to refresh her  
10 recollection in preparation for the deposition  
11 it's discoverable.  
12 MS. DEVER: That's not the rule.  
13 MR. PALMQUIST: You can mark that  
14 portion of the deposition. We'll take that up at  
15 another time.  
16 MS. DEVER: Okay.  
17 (\*\*\*) Transcript marked.)  
18 Q. Did you review anything else?  
19 A. No.  
20 Q. Did you meet with your attorney?  
21 A. Yes.  
22 Q. When did you meet?  
23 A. Yesterday.  
24 Q. How long did you meet with her?

3 (Pages 6 to 9)

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<p style="text-align: right;">Page 10</p> <p>1 A. An hour and a half.</p> <p>2 Q. Did you talk with anyone else?</p> <p>3 A. No.</p> <p>4 Q. Who have you talked to about your lawsuit or your</p> <p>5 charge of discrimination against the company</p> <p>6 other than your attorney?</p> <p>7 A. My husband.</p> <p>8 Q. Anyone else?</p> <p>9 A. No.</p> <p>10 Q. Have you asked anyone if they would be a witness</p> <p>11 for you in this case?</p> <p>12 A. Define "witness."</p> <p>13 Q. Have you asked anyone to testify or provide</p> <p>14 testimony in this case?</p> <p>15 A. Yes.</p> <p>16 Q. Who?</p> <p>17 A. I spoke with Anne Rascoe.</p> <p>18 Q. Anyone else?</p> <p>19 A. Wendy.</p> <p>20 Q. Wendy Canty?</p> <p>21 A. Yes.</p> <p>22 Q. Anyone else?</p> <p>23 A. No.</p> <p>24 Q. Did you talk with Nicole Lee?</p>	<p style="text-align: right;">Page 12</p> <p>1 adjusted accordingly because of the change in her</p> <p>2 responsibilities.</p> <p>3 Q. What else did she say?</p> <p>4 A. That pretty much was the gist of the</p> <p>5 conversation. We talked personal about our</p> <p>6 children and that pretty much was it. I did ask</p> <p>7 her if she would be supportive of me if I was to</p> <p>8 talk to the lawyer about her situation.</p> <p>9 Q. What did she say to that?</p> <p>10 A. She said she would.</p> <p>11 Q. And by "supportive," what do you mean?</p> <p>12 A. She would write a letter and talk to the lawyer</p> <p>13 over the phone.</p> <p>14 Q. Talk to Ms. Finn Dever?</p> <p>15 A. Yes.</p> <p>16 Q. Did she write a letter to your knowledge?</p> <p>17 A. Not that I know of.</p> <p>18 Q. Do you know whether your lawyer had any other</p> <p>19 conversations with her?</p> <p>20 A. I believe she made a phone contact.</p> <p>21 Q. Do you know when that might have been?</p> <p>22 A. I really don't recollect.</p> <p>23 Q. Was it shortly after you talked with Ms. Rascoe?</p> <p>24 A. Yes. Because after I talked to Anne, I told</p>
<p style="text-align: right;">Page 11</p> <p>1 A. No.</p> <p>2 Q. Did you talk with Lucia McDougall?</p> <p>3 A. No.</p> <p>4 Q. Did you talk with Mike Stewart?</p> <p>5 A. No.</p> <p>6 Q. When did you speak with Anne Rascoe?</p> <p>7 A. I don't know the exact date. I want to say maybe</p> <p>8 two years ago.</p> <p>9 Q. Did you speak with her by phone or in person?</p> <p>10 A. By phone.</p> <p>11 Q. Why did you call Anne Rascoe?</p> <p>12 A. I called her because I believed her to have a</p> <p>13 similar situation of mine and I wanted to get the</p> <p>14 facts from her to make sure that my</p> <p>15 interpretation of what I saw was correct before I</p> <p>16 said anything to my lawyer.</p> <p>17 Q. Did you speak with Anne before or after Mrs. Finn</p> <p>18 Dever began representing you?</p> <p>19 A. After.</p> <p>20 Q. What did Ms. Rascoe tell you?</p> <p>21 A. She told me that after she went out to have her</p> <p>22 baby, she came back with reduced hours. And at</p> <p>23 that time she was going to be taking reduced</p> <p>24 responsibilities as well. And her pay scale was</p>	<p style="text-align: right;">Page 13</p> <p>1 Theresa about that and she scheduled the phone</p> <p>2 conversation or Anne might have reached her. I'm</p> <p>3 not sure how that actually unfolded but it was</p> <p>4 after that.</p> <p>5 Q. Did Ms. Rascoe tell you she felt that she had</p> <p>6 been treated unfairly?</p> <p>7 A. Yes.</p> <p>8 Q. What did she say about that?</p> <p>9 A. She said that in many respects she was still</p> <p>10 doing the same responsibilities. She was pretty</p> <p>11 much doing the same job and she felt that that</p> <p>12 was unfair that her pay be adjusted. She</p> <p>13 understood that her pay would be adjusted for</p> <p>14 coming back to her job doing less</p> <p>15 responsibilities but she actually wasn't doing</p> <p>16 less responsibilities. Therefore, felt that she</p> <p>17 should be paid what she was originally paid when</p> <p>18 -- before she left because that's the job she was</p> <p>19 still doing.</p> <p>20 Q. I'm sorry. Perhaps I asked this. Did she write</p> <p>21 a letter?</p> <p>22 A. Not to my knowledge.</p> <p>23 Q. Do you remember anything else about your</p> <p>24 conversation with Miss Rascoe?</p>

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1 A. Not really, no.  
 2 Q. Other than that contact approximately two years  
 3 ago, have you spoken with her at all since then?  
 4 A. No.  
 5 Q. Has she contacted you at any time since then?  
 6 A. Just after that a Christmas card. Picture of her  
 7 daughter.  
 8 Q. When did you speak with Wendy Canty?  
 9 A. I believe I -- I think I spoke to Anne around  
 10 Christmastime a couple years ago and I spoke to  
 11 Wendy a couple months after that so it was early  
 12 in the following year.  
 13 Q. Would this be 2003?  
 14 A. Yes. I believe so. I'm not exactly sure of the  
 15 dates.  
 16 Q. Did you speak with Wendy by phone or in person?  
 17 A. By phone.  
 18 Q. Did you call her or did she call you?  
 19 A. I called her.  
 20 Q. Why did you call her?  
 21 A. I called her because I wanted to make sure before  
 22 I presented her name to my lawyer that my  
 23 impression of what I saw at work, I wanted to  
 24 make sure that I had my facts before I approached

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1 the lawyer. Her situation being similar to Anne  
 2 Rascoe's.  
 3 Q. What was your impression of work or what had  
 4 happened at work?  
 5 A. My impression was that she went out to have her  
 6 child. She came back after her leave with  
 7 reduced hours and she was paid a different rate  
 8 for doing less responsibilities but it appeared  
 9 to me that she was doing the same job. Just  
 10 shorter hours.  
 11 Q. What did Miss Canty tell you?  
 12 A. She basically supported that observation.  
 13 Q. Can you be a little bit more specific about what  
 14 she said?  
 15 A. I believe she said that when she came back --  
 16 when she came back with her reduced hours, her  
 17 pay was cut and that she would be doing less  
 18 responsibility but in fact she was doing the same  
 19 responsibility. She was working in the same  
 20 office doing the same tasks.  
 21 Q. Did she tell you she felt she had been treated  
 22 unfairly?  
 23 A. She felt that that was not fair.  
 24 Q. What was Ms. Canty's job?

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1 A. She worked in the office that the flow of human  
 2 resource tasks happened. The accounting, report  
 3 generation for different departments. It was an  
 4 administrative-type office for the entire  
 5 company.  
 6 Q. Do you know what her job description was?  
 7 A. No, I do not.  
 8 Q. Who was her supervisor?  
 9 A. I believe her direct supervisor was Pamela  
 10 Greene.  
 11 Q. Did Miss Canty tell you she ever complained about  
 12 this?  
 13 A. She told me that she was upset about it and that  
 14 she had talked to Pamela about it several times.  
 15 And I believe she also talked to Arlene about it.  
 16 Q. Was there ever any resolution of that?  
 17 A. I'm not aware if there was.  
 18 Q. Was Miss Canty still working at Jansson when you  
 19 had this conversation with her?  
 20 A. No.  
 21 Q. Did you ask Miss Canty to write a letter?  
 22 A. I asked her if she would support me if it came to  
 23 that. She said that she would be more than happy  
 24 to and that Nicole went through a similar

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1 situation. That she would contact Nicole and  
 2 have Nicole contact me. And she said if I needed  
 3 a letter written or needed to talk to the lawyer,  
 4 she would be more than happy to do that.  
 5 Q. Do you know whether she did talk with your  
 6 lawyer?  
 7 A. That I don't remember. I think there might have  
 8 been a phone call, not a letter, but I think  
 9 there might have been a phone call but I'm not  
 10 really sure.  
 11 Q. You're not aware of any letter that she's written  
 12 on your behalf?  
 13 A. No.  
 14 Q. Do you know whether she contacted Nicole Lee?  
 15 A. She said that she left her a message and that  
 16 Nicole said she would be willing to talk with me  
 17 but it never materialized.  
 18 Q. So did you have two conversations with Wendy?  
 19 The first one where you asked her if she would  
 20 support you and then a subsequent conversation  
 21 when she told you she had left a message for  
 22 Nicole?  
 23 A. I -- yes, I believe we did because I connected  
 24 with her again and she told me she had left a

5 (Pages 14 to 17)

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1 message for Nicole. And then I said if she -- if  
 2 she was busy and we had a hard time connecting  
 3 with each other, I would give her the lawyer's  
 4 number directly and she could call the lawyer  
 5 directly. I said I just want to make sure before  
 6 she approaches the lawyer that in fact her  
 7 situation was similar.  
 8 Q. Do you know whether Nicole ever contacted your  
 9 attorney?  
 10 A. That I don't know. I don't remember.  
 11 Q. Do you know what Nicole Lee's job was at Jansson?  
 12 A. I believe -- she definitely worked in the  
 13 commercial division in the customer service  
 14 office. And I believe she managed and organized  
 15 the office.  
 16 Q. Have you had any conversations with Wendy Canty  
 17 since early 2003?  
 18 A. No.  
 19 Q. Have you had any other communications with her  
 20 since then?  
 21 A. No.  
 22 Q. Where does Anne Rascoe live?  
 23 A. I believe she lives in Lake Placid. I'm not  
 24 really sure. The last time I spoke to her,

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1 that's where she lived.  
 2 Q. New York?  
 3 A. Yes.  
 4 Q. How about Wendy Canty? Do you know where she  
 5 lives?  
 6 A. No, I don't.  
 7 Q. Do you know where Nicole Lee lives?  
 8 A. No, I don't.  
 9 Q. Did you ever tape record any conversations or  
 10 discussion that you had with anyone at Jansson?  
 11 A. No.  
 12 Q. Did you ever tape record any other conversation  
 13 or discussion at Jansson that you were not a part  
 14 of?  
 15 A. I'm sorry? I'm not sure I -- no, I didn't.  
 16 Nothing that a recorder was ever involved in.  
 17 Q. Okay. Have you destroyed any documents related  
 18 to this case?  
 19 A. No.  
 20 Q. How do you claim that Jansson discriminated  
 21 against you on the basis of your sex?  
 22 A. When I approached Arlene about my pregnancy, the  
 23 conversation was completely centralized around my  
 24 pregnancy. And she had made a predetermined

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1 decision that I would not be able to handle the  
 2 job while I was pregnant and would not be able to  
 3 handle the job when I returned from my pregnancy  
 4 because of scheduling when you have a child.  
 5 Q. Was this on December 3, 2001?  
 6 A. There was several conversations that took place  
 7 between the week of December 3rd and December  
 8 7th. It was probably -- it came up in every  
 9 discussion that we had throughout the week.  
 10 Q. And what do you claim that she did to  
 11 discriminate against you on the basis of your  
 12 sex?  
 13 A. She had predetermined that I would not be able to  
 14 do my job because I was pregnant.  
 15 Q. Did she fire you?  
 16 A. No. She asked me to leave. She didn't actually  
 17 say, You're fired.  
 18 Q. Well, now I'm a little confused. She did fire  
 19 you or she didn't fire you?  
 20 A. I guess it's how you define being fired.  
 21 Sometimes people come right out and say you're  
 22 fired and then sometimes it's said indirectly. I  
 23 took it as being fired but I was asked to leave.  
 24 Q. What did she say that led you to believe that she

Page 21

1 was asking you to leave?  
 2 A. During our last conversation on that Friday, she  
 3 -- we had discussed -- we had rehashed everything  
 4 all over again. And there were a few comments  
 5 that she made about me not being capable in doing  
 6 my job if I was pregnant and she was concerned  
 7 with fertility treatments that there can be  
 8 multiple births and what was I going to do if I  
 9 had more than one baby. And I said to her, Well,  
 10 you'll be happy to know that it's confirmed that  
 11 I'm only having one.  
 12 She got very angry with me. And we  
 13 exchanged a few personal comments. And she said,  
 14 Obviously you're very upset with me and we cannot  
 15 come to an understanding. And I said, Well,  
 16 maybe we can just come to an agreement that we  
 17 agree to disagree on this.  
 18 And she said that I wasn't allowing any  
 19 dialogue between the two of us and that I was  
 20 obviously very angry and that I should leave. It  
 21 was a very heated moment. She had slammed her  
 22 fist on the table. She had pointed her finger  
 23 directly in my face. She was obviously very  
 24 upset. It got me very upset that she was so

6 (Pages 18 to 21)

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<p style="text-align: right;">Page 22</p> <p>1 upset.</p> <p>2 And the conversation truly wasn't</p> <p>3 productive. It was turning counterproductive.</p> <p>4 So when she asked me to leave, I thought that was</p> <p>5 the best thing to do.</p> <p>6 MS. DEVER: Is this an okay place? I</p> <p>7 just need to use the ladies' room just for one</p> <p>8 minute.</p> <p>9 MR. PALMQUIST: That's fine.</p> <p>10 (Recess.)</p> <p>11 Q. The conversation you just described occurred on</p> <p>12 December 7, 2001; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. I would like to back up to the beginning of that</p> <p>15 week to December 3rd when you came back from your</p> <p>16 family and medical leave.</p> <p>17 A. Mm-hmm.</p> <p>18 Q. Act leave.</p> <p>19 A. Mm-hmm.</p> <p>20 Q. What time did you get to work that day?</p> <p>21 A. Usually I was in at eight. I don't really know</p> <p>22 what time I got in that day.</p> <p>23 Q. Was it --</p> <p>24 A. Probably eight.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. When was your maternity leave planned for?</p> <p>2 A. My scheduled -- my due date was the end of July</p> <p>3 but because of my physical circumstances and my</p> <p>4 high-risk pregnancy, my due date was shifted to</p> <p>5 the middle of July. So I was kind of in a</p> <p>6 fortunate situation in some respects because I</p> <p>7 knew exactly the day that my child was going to</p> <p>8 be born so I could schedule things quite</p> <p>9 precisely.</p> <p>10 Q. And you knew that on December 3rd?</p> <p>11 A. I didn't know that exact date but I had a</p> <p>12 ballpark because I had already been advised of</p> <p>13 that.</p> <p>14 Q. Now, other than talking about work-related</p> <p>15 project oriented plans, did you talk to Arlene</p> <p>16 about your schedule between your return and when</p> <p>17 you were going to go on maternity leave?</p> <p>18 A. Yes.</p> <p>19 Q. What did you tell her about that?</p> <p>20 A. I told her I wanted to condense my work week into</p> <p>21 four days.</p> <p>22 Q. What else did you tell her?</p> <p>23 A. That pretty much was the base of the</p> <p>24 conversation.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Close to when you usually do?</p> <p>2 A. Yes.</p> <p>3 Q. Was Arlene there?</p> <p>4 A. I don't believe so.</p> <p>5 Q. Now, when did you meet with Arlene on December</p> <p>6 3rd when you came back?</p> <p>7 A. Well, as soon as I knew she was in, I went and</p> <p>8 said hi to her. And I told her that we had a lot</p> <p>9 to plan and wanted to talk to her as soon as she</p> <p>10 had a moment.</p> <p>11 Q. Did you meet with her that day about what you</p> <p>12 were going to plan?</p> <p>13 A. Yes.</p> <p>14 Q. And what did you mean by you "had a lot to plan"?</p> <p>15 A. Well, my job was a project oriented job. And I</p> <p>16 wanted to lay out projects that were going to be</p> <p>17 completed for our usual deadline, which was in</p> <p>18 May. The New York show. And then the production</p> <p>19 of those -- they're catalogs -- after that. So I</p> <p>20 wanted to get everything in place, scheduling how</p> <p>21 it was going to plan through until my maternity</p> <p>22 leave, how it would plan through my leave, my</p> <p>23 maternity leave, and then what would be happening</p> <p>24 when I returned.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. What did you mean by "condense your work week</p> <p>2 into four days"?</p> <p>3 A. Because I was considered to be a high-risk</p> <p>4 pregnancy, I had asked my doctor if it was okay</p> <p>5 for me to continue working. He said yes. And I</p> <p>6 said, To what level? And he said, Be</p> <p>7 responsible. Not to overdo it.</p> <p>8 And understanding my position in the</p> <p>9 flow of how the work moves through the company of</p> <p>10 the jobs that I was responsible for, I thought</p> <p>11 through the scheduling that it could be done --</p> <p>12 that I could do it within four days. But part of</p> <p>13 that with Arlene would be that I would be allowed</p> <p>14 just to do one job. I was often pulled for other</p> <p>15 consultations, meetings, that directly did not</p> <p>16 apply to my job. They were more everyday</p> <p>17 functional scheduling of the company itself that</p> <p>18 it was not necessary for me to be involved in.</p> <p>19 Q. Is that your opinion?</p> <p>20 A. No. It's not my opinion.</p> <p>21 Q. Was there a written job description that said</p> <p>22 that you weren't supposed to do those particular</p> <p>23 duties?</p> <p>24 A. I didn't have a written job description.</p>

7 (Pages 22 to 25)



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1 Q. So there wasn't a description that said that  
2 wasn't part of your job?  
3 A. That's right.  
4 Q. So you felt that these other tasks were not  
5 related to your job; is that correct?  
6 A. They were not design oriented.  
7 Q. Out of curiosity, how many hours a week do you  
8 think you averaged working before you went out on  
9 FMLA leave?  
10 A. Probably 50 to 55.  
11 Q. And when you came back on December 3rd, you told  
12 Arlene you wanted to work 32 hours a week; is  
13 that correct?  
14 A. Not 32.  
15 Q. Four days a week?  
16 A. Four days a week.  
17 Q. Okay. Did you tell her that you were willing to  
18 work ten- or 12-hour days on those four days?  
19 A. I said they would probably average between eight  
20 and ten hours a day because it's just the way the  
21 day flowed.  
22 Q. Did you tell Ms. Osoff that you wouldn't work on  
23 Mondays?  
24 A. I told her that was the day that I wanted to have

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1 off.  
2 Q. And did you tell Miss Osoff you wouldn't work on  
3 Saturdays as well?  
4 A. I told her I wanted to step back from Saturdays  
5 because -- for my first trimester and then if it  
6 was absolutely necessary, I would be more than  
7 happy to come in an extra day in February.  
8 February, March, April, which is when the crunch  
9 gets pretty tight and I may be needed for extra  
10 hours.  
11 Q. I think you testified just a little bit ago that  
12 your doctor said that you could work but you  
13 needed to be responsible. Is that your  
14 testimony?  
15 A. Mm-hmm. Yes.  
16 Q. Did he tell you that you could only work four  
17 days?  
18 A. No.  
19 Q. Did he give you any sort of restrictions on your  
20 ability to work?  
21 A. Just the normal. No heavy lifting, standing on  
22 your feet too long. That type of thing.  
23 Q. Did he give you any restrictions about the  
24 scheduling of your job?

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1 A. No.  
2 Q. How were you going to perform in 32 to 40 hours a  
3 week the same job that you were performing 50 to  
4 55 hours a week before your leave?  
5 A. Because I would be doing my design projects and  
6 overseeing the production of the design samples.  
7 Everything that I ultimately was responsible for  
8 I would be able to do within those 40 hours or  
9 those four days. What I was asking, that I not  
10 be pulled for these other tasks that were not  
11 necessary.  
12 There were other management staff  
13 within the company that were directly more  
14 involved with these projects anyways so therefore  
15 it made more sense that they focus in on it as  
16 opposed to bringing in another person.  
17 Q. All right. Can you give me an example of the  
18 kind of tasks you're talking about?  
19 A. Yes. There was a department called a finishing  
20 department, which I happened to have run for a  
21 couple years.  
22 Q. What about the finishing department was not part  
23 of your job?  
24 A. It was where the work flowed through daily. The

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1 assembly and scheduling of it. And in the early  
2 stages, I always oversaw it through the  
3 transition of me leaving it and me going strictly  
4 into design. And we were having a lot of  
5 difficulties within the entire plant with quality  
6 control. They were trying to cut back hours to  
7 keep the overtime down. Therefore, a lot of work  
8 was being printed sloppy, assembled sloppy  
9 because they were rushing to get things done  
10 within a short amount of time because the company  
11 was trying to cut down the overtime to keep it  
12 more manageable on a financial level.  
13 Q. How were you brought into the finishing  
14 department before you went on your leave? What  
15 kinds of projects?  
16 A. Well, there were problems with some of the staff  
17 that I was very familiar with them so I might be  
18 asked to sit in on their review or sit in on a  
19 problem that they were having that I might be  
20 more familiar with. The department was kept  
21 untidy and I would go in and offer them some  
22 organizational ideas on how to keep it clean and  
23 organized.  
24 Whenever anything was kind of deviating

8 (Pages 26 to 29)

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<p>1 from its normal function of running efficiently,  2 Arlene would always ask me to step in and see if  3 I could troubleshoot and get it back on cue.  4 Q. Were there other tasks that you believe were not  5 part of your design job that you were not going  6 to do going forward?  7 A. Yes. I was for quite a few hours a day working  8 on a computer program that the company was  9 switching over to. When we were purchased from  10 -- when we were purchased by Taylor Corporation,  11 they had a base computer program that they used  12 for order entry, for scheduling -- not  13 scheduling. Report writing, that type of thing  14 so we were basically trying to take a round peg  15 and put it in a square peg.  16 It wasn't quite fitting and I was asked  17 to work with the individuals that were  18 coordinating the computer system to offer insight  19 as to how the finishing department ran and how to  20 apply their program to -- how to adapt their  21 program to our program.  22 Q. Who asked you to do that?  23 A. Arlene.  24 Q. Did you tell her that wasn't part of your job?</p>	<p>1 kept me from keeping the design work on schedule  2 and that there were other individuals within the  3 company that were perfectly capable of doing the  4 same thing.  5 Q. Was that your decision to decide who did what at  6 the plant?  7 A. No. It wasn't my decision. Unless it was design  8 related. Then it was my decision.  9 Q. But overseen by Arlene?  10 A. Yes.  11 Q. Now, Arlene agreed to give you Mondays off,  12 didn't she?  13 A. Yes, she did.  14 Q. And she agreed to let Saturdays drop off for a  15 while, didn't she?  16 A. Yes, she did.  17 Q. And she agreed that it might be possible to  18 perform your job on those four days a week; isn't  19 that right?  20 A. Yes, she did.  21 Q. But you weren't happy with the pay; is that  22 correct?  23 A. Well, she was saying to me that my hourly rate  24 was being adjusted because I wouldn't be doing</p>
Page 31	Page 33
<p>1 A. I told her it was taking away from my design job.  2 Q. Who was responsible for assigning your work?  3 A. I ultimately was. Arlene oversaw it.  4 Q. Were there other tasks that you thought were not  5 part of your job?  6 A. Yes. At times I was asked to speak with customer  7 service on how to enter orders that would assist  8 production in understanding their entry.  9 Q. Are there other tasks?  10 A. No. I was asked to sit in on management meetings  11 but that I felt was indirectly a part of my job  12 anyways.  13 Q. So that particular task you were willing to keep  14 doing?  15 A. Right. Because I understood the benefits of me  16 being a part of that.  17 Q. Okay. So we talked about the finishing  18 department, the computer program and speaking  19 with customer service regarding orders as tasks  20 that you thought were outside your job  21 description and were things that you were not  22 going to do going forward. Is that correct?  23 A. I said -- I never said that I would not do them.  24 I just said that they were time eaters and they</p>	<p>1 the same job. She said I would not be -- that my  2 responsibilities were going to change. I didn't  3 quite understand this because when I came back, I  4 had all plans to do my job. I wasn't asking to  5 step down from my position. And she said in  6 essence coming back and cutting -- what she  7 considered cutting back my hours or cutting back  8 my days, in essence I was stepping down from my  9 position and that she was going to hire another  10 designer and that I would be training my  11 replacement.  12 Q. Well, in fact, your responsibilities by your own  13 suggestion were going to be changed, weren't  14 they?  15 A. Not as a design development manager. As a design  16 development manager, I would still be designing  17 projects and I would still be coordinating their  18 production. I would still be participating in  19 the New York show. I would still be doing my  20 job.  21 Q. Okay. But not your job insofar as it related to  22 the finishing department, computer programs or  23 speaking with customer service, correct?  24 A. I would be more than happy to do those but as I</p>

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1 said before, they're time eaters and that it was  
2 not necessary for me to be involved in that  
3 aspect. That there were other people that were  
4 more capable of doing it. So if I was strictly  
5 allowed to do my design development management  
6 position, which is what my title was, then I  
7 would be able to do it within that time frame.

8 Q. The job you were proposing was different from the  
9 job that you were performing before you went out  
10 on leave; isn't that right?

11 A. I was asking Arlene to look at my job more  
12 closely and see that I was involved in areas that  
13 were not necessary for me to be involved in.

14 MR. PALMQUIST: Could you repeat the  
15 question, please?

16 (Question read.)

17 A. That was what we were discussing. My job was  
18 never clearly defined as to what it was.

19 Q. Well, that's not exactly my question. My  
20 question is, you had a job before you went on  
21 leave --

22 A. Mm-hmm.

23 Q. -- that encompassed certain responsibilities that  
24 you did, correct?

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1 A. Mm-hmm. Yes.

2 Q. And when you came back from leave, you were  
3 proposing a different job that didn't include  
4 some of the responsibilities you had before you  
5 went out on leave; isn't that correct?

6 A. I was still doing the design development  
7 management job, which is what my job was. The  
8 other jobs or tasks that I was involved in were  
9 things that I was asked for Arlene to just sit in  
10 and help out another department with.

11 Q. Did you ever tell Arlene you wouldn't do those  
12 things?

13 A. No, I didn't.

14 Q. Why did you do them if they weren't part of your  
15 job?

16 A. Because that's the type of person I am. I'm more  
17 than happy to help out whenever I can and when  
18 I'm asked.

19 Q. Did you ever tell Arlene before your leave that  
20 these other duties were not part of your job?

21 A. No. It was never discussed.

22 Q. Before the leave, did you think that, Gosh, I'm  
23 doing a lot of duties that are really not part of  
24 my job?

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1 A. No. The only thing I stressed to Arlene was that  
2 it was very dangerous to run a company of this  
3 level on just one designer. Arlene was planning  
4 to retire. She had no set date. But she was  
5 planning to retire. And she was sort of training  
6 other individuals to pass the baton. And all of  
7 us understood that indirectly.

8 I said to her it was very dangerous to  
9 run a company of that level with just one  
10 designer and that she really should be a design  
11 team. Therefore, I felt it would strongly help  
12 the company if we started to develop another  
13 individual to work with me as an assistant.

14 I proposed this to her several years  
15 ago because the more she left me alone to work on  
16 the design projects because she trusted me and I  
17 was doing a good job, the more involved she was  
18 in the GM responsibilities. She didn't have to  
19 collaborate as much with me on design.

20 So in realizing the flow, I had  
21 discussed with her several times that I thought  
22 we should start to develop a design team so just  
23 in case if anything happened to anybody, if  
24 anything happened to her, something happened to

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1 me, there would always be another individual  
2 there to be able to keep the flow going until the  
3 other person returned.

4 Q. Before you worked in the design position, who did  
5 the design work at Jansson?

6 A. Arlene.

7 Q. And when you were out on leave, who did the  
8 design work at Jansson?

9 A. It pretty much was put on hold until I came back.  
10 I had set it up so that nothing really needed to  
11 be done. The only thing that needed to be done  
12 was the production of a catalog that was already  
13 designed. There was another individual that  
14 worked there that took care of coordinating the  
15 production.

16 Q. Who was that?

17 A. Her name was Laura Kelly.

18 Q. So for the six weeks that you were out on that  
19 family and medical leave or however long it was,  
20 there was simply no design professional there?

21 A. Arlene was there if anything needed to be done.  
22 But I had set it up so that that project was all  
23 -- was in control. And the two projects I had to  
24 work on when I got back, I had done a lot of

10 (Pages 34 to 37)

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1 preliminary work and had left them in a filing  
 2 cabinet. I went over all of it with Arlene just  
 3 in case she needed to step into it for any  
 4 reason.  
 5 Q. Isn't it true that Arlene was perfectly capable  
 6 of doing all the design work while you were out  
 7 on leave?  
 8 A. She is very capable of doing any design work but  
 9 there wasn't any design work that needed to be  
 10 done when I was out.  
 11 Q. And how do you know that?  
 12 A. Because I coordinate the department. It's what I  
 13 do so I had set it up so that everything was in  
 14 its place before I left and had a meeting with  
 15 Arlene about that before I left.  
 16 Q. Just a moment.  
 17 Did you also tell Arlene when you came  
 18 back on December 3, 2001 that you wouldn't work  
 19 any overtime?  
 20 A. Define "overtime."  
 21 Q. More than 40 hours a week.  
 22 A. Yes.  
 23 Q. Did you also tell Ms. Osoff that you were not  
 24 prepared to continue your employment with Jansson

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1 if Jansson did not accede to or agree to these  
 2 demands that you were making?  
 3 A. Can you repeat that, please?  
 4 Q. Did you tell Arlene that you were not prepared to  
 5 continue your employment with Jansson if Jansson  
 6 did not allow you to cut back to four days a  
 7 week, not work Mondays, not work Saturdays, and  
 8 not work any overtime?  
 9 A. No.  
 10 Q. In other words, if Arlene had not agreed to any  
 11 of your demands, you would have stayed employed?  
 12 A. If she would not agree to any of my --  
 13 Q. Correct.  
 14 A. I never thought of that.  
 15 Q. Let's talk about the wage that Arlene proposed to  
 16 you. What is your basis for claiming that she  
 17 should have paid you \$25 an hour?  
 18 A. If I'm understanding what you're asking me  
 19 correctly, if she was considering my four days to  
 20 be less than 40 hours, which she labeled  
 21 part-time, or I would become an hourly employee,  
 22 I said, That's fine. If for some reason I worked  
 23 38 hours, I understand you are only going to pay  
 24 me for 38 hours.

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1 So I don't understand -- I do not know  
 2 where she came up with the number but our numbers  
 3 didn't jibe. And my calculation was that you  
 4 take my yearly salary and calculate it to an  
 5 hourly rate and then only pay me that rate for  
 6 the hours that I work. So if there was a week  
 7 that I only worked 38 hours or 37 hours or 39  
 8 hours, then you would only pay me for those hours  
 9 with the calculation of my base pay.  
 10 Q. What was that calculation?  
 11 A. It was approximately \$25 an hour.  
 12 Q. And did you get that by taking your annual salary  
 13 and dividing by 2,080?  
 14 A. I'm not sure how I did it. I think what I did  
 15 was I took -- divided it by 52 weeks and then  
 16 divided it by hours.  
 17 Q. Okay. And 52 weeks, 40 hours a week?  
 18 A. Yes.  
 19 Q. So 52 times 40 I think is 2,080?  
 20 A. I don't know. I'm not a mathematician.  
 21 MS. DEVER: There is a calculator right  
 22 there.  
 23 A. You can do the math. I don't know. It may work  
 24 out to be the same.

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1 Q. What did Arlene tell you when you told her that  
 2 you expected to be paid \$25 an hour?  
 3 A. She said that's not the company policy.  
 4 Q. What was the company policy according to Arlene?  
 5 A. According to Arlene, the company policy was when  
 6 you work non -- when you're a nonsalary  
 7 individual, hourly salary individual, she brought  
 8 to my attention that when you work salary, from  
 9 what I understand there is a certain amount of  
 10 hours that's built in for overtime, which I  
 11 believe when she does her calculations, maybe  
 12 those hours are taken away. I'm not really sure  
 13 how she did the math.  
 14 Q. Can you remember with any specificity what  
 15 exactly Arlene said was the company policy?  
 16 MS. DEVER: Objection.  
 17 A. She said that when you came back -- I'm sorry.  
 18 I'm going to answer it the same way because I'm  
 19 not sure if I'm maybe not answering it correctly  
 20 but she said to me that when you are an hourly  
 21 employee, you get a different rate because they  
 22 take out the overtime. I don't know what that  
 23 means.  
 24 I never knew that that's how -- I

11 (Pages 38 to 41)



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1 thought I was getting paid \$25 an hour because I  
 2 was worth -- I was a valued employee at \$25 an  
 3 hour. And it was just a professional  
 4 understanding that at times you're going to work  
 5 extra hours but you're not paid for them. It's  
 6 -- that was just to -- that was my understanding.  
 7 Q. How did you respond to Arlene when she told you  
 8 that about the hours that are built in for  
 9 overtime in the salary?  
 10 A. I told her, first of all, I didn't know that that  
 11 was a policy. A policy. And that was the  
 12 policy. And that why should I be paid less for  
 13 doing the same job?  
 14 Q. What did Arlene say to that?  
 15 A. She said that all hourly employees that come from  
 16 salaried pay are adjusted the same way.  
 17 Q. Did you have any reason to doubt her at that  
 18 time?  
 19 A. I'm not sure I understand what you're asking.  
 20 Q. Did you think she was making that up?  
 21 A. No. I thought --  
 22 Q. Do you think she was making it up now?  
 23 A. Well, there's nothing in the handbook that  
 24 applies to it so I'm not sure where the

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1 calculation comes from. If it was policy, I went  
 2 and looked in the book to make sure that I might  
 3 have missed something.  
 4 Q. Well, how much an employee gets paid isn't  
 5 necessarily going to be in the handbook, is it?  
 6 A. Not how much they're paid but a guideline for  
 7 adjusting I would assume from salary to an hourly  
 8 person or however they name it or however it's  
 9 titled. I would assume that something like that  
 10 -- even if Arlene was to say, Well, it's policy,  
 11 I would expect a policy to be in the book  
 12 applying to that statement.  
 13 Q. Why would you expect that?  
 14 A. Because it's a policy. All policies were in the  
 15 handbook.  
 16 Q. Do you think Arlene was treating you differently  
 17 from other employees that moved from salary to  
 18 hourly?  
 19 A. I don't know.  
 20 Q. Do you believe that now?  
 21 MS. DEVER: Objection.  
 22 A. I'm not sure really what you're asking me. I'm  
 23 not sure what you're asking.  
 24 Q. Well, do you think that Arlene singled you out

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1 when you asked her for a reduced schedule or a  
 2 different schedule and applied this policy of  
 3 moving from salary to hourly?  
 4 A. Well, it's not my business of other employees. I  
 5 don't know what actually went on with other  
 6 employees. But if she is sitting across the desk  
 7 telling me it's a company policy and it's done  
 8 with everybody, she is my supervisor. I would  
 9 tend to believe that that was so.  
 10 Q. Now, you said you had several conversations with  
 11 Arlene the week of December 3rd to December 7,  
 12 2001; is that correct?  
 13 A. Yes.  
 14 Q. And we talked I think about what happened maybe  
 15 on Monday, the day you came back. Is that what  
 16 we've talked about so far or have these sort of  
 17 melded together here?  
 18 MS. DEVER: Objection.  
 19 Q. I'm just asking.  
 20 A. Most of the conversations were taking place on  
 21 Monday and Friday.  
 22 Q. Do you remember any conversations Tuesday,  
 23 Wednesday or Thursday?  
 24 A. I do remember that there was very little exchange

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1 between us like Wednesday, Thursday. I think we  
 2 talked again on Tuesday about the same thing. It  
 3 was pretty quiet between the two of us Wednesday  
 4 and Thursday.  
 5 Q. How did the conversation end on Monday?  
 6 A. I believe she said that we'll talk more about it  
 7 later.  
 8 Q. Did she tell you she had to consult with anybody?  
 9 A. Not that I'm aware of.  
 10 Q. Well, let's now move to the Friday conversation  
 11 then. What time did you meet with Arlene on  
 12 Friday?  
 13 A. I believe it was mid-morning.  
 14 Q. Where did you meet with her?  
 15 A. In her office.  
 16 Q. Was there anyone else present?  
 17 A. No.  
 18 Q. How did the conversation begin?  
 19 Withdraw that. What did you say?  
 20 A. We talked more about the salary or the hourly  
 21 rate.  
 22 Q. What did you tell Arlene about the salary and the  
 23 hourly rate?  
 24 A. I told her that I did not think it was fair for

12 (Pages 42 to 45)



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1 me to be paid less money for doing the same job.  
 2 Q. What else did you say?  
 3 A. Well, we talked a lot about the job as far as me  
 4 being pregnant and not being able to do it.  
 5 Q. That's what you said?  
 6 A. No. That's what she said.  
 7 Q. I'm asking you what you said at that meeting.  
 8 A. What I said. All of my responses were -- most of  
 9 what I said was in response to her comments that  
 10 she made to me.  
 11 Q. You don't remember anything specific other than  
 12 responding to Arlene that you said at that  
 13 meeting?  
 14 A. No.  
 15 Q. Now, Arlene told you that you could not work  
 16 Mondays, correct?  
 17 A. She said she would agree to not working -- for me  
 18 not to be there on Mondays.  
 19 Q. Okay. And she agreed to the four day a week  
 20 schedule?  
 21 A. Yes.  
 22 Q. And she agreed to leaving Saturdays off?  
 23 A. For the first trimester.  
 24 Q. Which is what you asked for?

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1 A. Yes.  
 2 Q. And she agreed to no overtime, correct?  
 3 A. For the first trimester.  
 4 Q. Which is what you asked for, correct?  
 5 A. Yes.  
 6 Q. But she didn't agree with you on the wage; is  
 7 that correct?  
 8 A. That's correct.  
 9 Q. And what was your response to that?  
 10 A. That I didn't understand why I had to take a cut  
 11 in pay for doing the same job.  
 12 Q. Didn't you tell her that you were going to quit  
 13 because of that?  
 14 A. No. I told her that we needed to come to some  
 15 kind of agreement.  
 16 Q. What did you mean by that?  
 17 A. Which means we need to discuss this further.  
 18 Q. Wasn't she telling you the decision had been  
 19 made?  
 20 A. She didn't actually come out and say that the  
 21 decision had been made.  
 22 Q. She told you what you were going to make, didn't  
 23 she?  
 24 A. Yes. She calculated the numbers and gave them to

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1 me.  
 2 Q. And you didn't agree with them?  
 3 A. No, I did not.  
 4 Q. What was there to discuss?  
 5 A. Because at that point she was telling me that I  
 6 wouldn't be doing the same job. That I would be  
 7 training my replacement and I would be stepping  
 8 down from my position.  
 9 Q. What was your response to that?  
 10 A. I said that that's not what I planned -- I said,  
 11 Because I'm pregnant and coming back to work to  
 12 do my job, I don't understand why I have to step  
 13 down from that. And she said it was because I  
 14 would not be able to do the job being pregnant.  
 15 It was something she had predetermined and that's  
 16 what we were discussing mostly that day.  
 17 Q. Well, let's talk about that. Why do you say that  
 18 her decision was predetermined?  
 19 A. She said that I may be unwell during my pregnancy  
 20 and may not be able to work. She was concerned  
 21 about my possibility of having multiple births.  
 22 She was concerned that after the baby was born I  
 23 wouldn't be able to make that decision now about  
 24 coming back until I held the baby in my arms.

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1 She said, What's going to happen when the baby  
 2 gets sick? She said, you know, It's a man's  
 3 world. The woman stays home with the baby.  
 4 You're not going to be able to come in. What are  
 5 you going to do about day care? That type of  
 6 thing.  
 7 Q. Well, let's take each of those. You first said  
 8 that she said you may be unwell. Was that during  
 9 your pregnancy or after the baby was born?  
 10 A. During my pregnancy.  
 11 Q. What was your response to Arlene when she said  
 12 that?  
 13 A. That that couldn't be determined.  
 14 Q. How did Arlene respond to that?  
 15 A. I don't remember.  
 16 Q. Do you claim that that comment was  
 17 discriminatory?  
 18 A. Yes.  
 19 Q. Why?  
 20 A. Because I felt basically she was telling me that  
 21 because I was pregnant I wouldn't be able to do  
 22 my job.  
 23 Q. Are there any other facts that lead you to  
 24 believe that that comment was discriminatory?

13 (Pages 46 to 49)

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1 A. No.  
 2 Q. You said Arlene also asked you about the  
 3 possibility of multiple births. What exactly did  
 4 she say?  
 5 A. She said, What are you going to do if you have  
 6 more than one baby?  
 7 Q. All right. How did you respond to that?  
 8 A. I said, You would be happy to know that it's  
 9 already been confirmed. I'm only having one.  
 10 Q. What did Arlene say to that?  
 11 A. She slammed her fist on the desk and said, How  
 12 dare you speak to me so sarcastically?  
 13 Q. Was your response sarcastic?  
 14 A. I apologized to her for sounding curt. But I  
 15 said, You're taking this conversation to a place  
 16 that it doesn't need to be.  
 17 Q. How did you respond to that?  
 18 A. How did she respond to that?  
 19 Q. I'm sorry. Yes. How did she respond to that?  
 20 A. She pointed her finger at me and raised her voice  
 21 saying that I was being ungrateful.  
 22 Q. Were those her words?  
 23 A. I believe she said that I was not appreciative of  
 24 the gift she had given me.

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1 Q. What was she referring to?  
 2 A. I asked her that because I did not know what she  
 3 was referring to. And she said she was referring  
 4 to my paid leave. Then I said to her that I was  
 5 not aware that that was a gift. I thought that  
 6 that was a company benefit that was -- that I was  
 7 entitled to as an employee for Jansson and that I  
 8 filled out all the proper paperwork for that  
 9 leave and that I do not consider that a gift.  
 10 Q. What leads you to believe that Ms. Osoff's  
 11 comment about the possibility of multiple births  
 12 was discriminatory?  
 13 A. Because I felt it had nothing to do with what we  
 14 were talking about. We were talking about my  
 15 job, not about how being pregnant with more than  
 16 one child might affect my job.  
 17 Q. But in fairness, you were talking about  
 18 scheduling of your job, weren't you?  
 19 A. Yes.  
 20 Q. You also said Ms. Osoff made a comment that you  
 21 could not make a decision about coming back until  
 22 you had had your baby. What did she say?  
 23 A. She said that. Exactly that.  
 24 Q. Okay. And what was your response to that?

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1 A. I said that my intention was to come back  
 2 full-time and pick up my position and do what I  
 3 always did.  
 4 Q. Are we talking -- are these comments  
 5 chronological that we're talking about? I mean,  
 6 did that -- may be unwell comment was the first  
 7 one and the possibility of multiple births was  
 8 the second comment she said?  
 9 A. I don't know exactly when they happened.  
 10 MR. PALMQUIST: I'm sorry. Could you  
 11 read back the question just to me? Question and  
 12 answer.  
 13 (Question and answer read.)  
 14 MS. DEVER: Before you continue, could  
 15 I use -- I need another bathroom break. I  
 16 apologize. I'm drinking water because of my  
 17 cold. We can go off the record.  
 18 MR. PALMQUIST: I'll hold on to that  
 19 question.  
 20 (Recess.)  
 21 Q. Did Arlene respond?  
 22 A. I believe -- no. I don't know if she did.  
 23 Q. The next thing you said Arlene told you was,  
 24 What's going to happen -- what did she say?

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1 A. I'm not sure I understand what you --  
 2 Q. Yeah. My notes are incomplete.  
 3 A. Okay.  
 4 Q. Hold on a second.  
 5 "What's going to happen if you need to  
 6 stay home with the baby when he or she is ill?"  
 7 Is that correct?  
 8 A. Yes.  
 9 Q. What was your response to that?  
 10 A. I told her it pretty much was irrelevant to what  
 11 we were discussing. She said, Well, let's face  
 12 it. It's a man's world. The woman always stays  
 13 home with the child.  
 14 Q. And what was your response?  
 15 A. I told her that that was really personal. That  
 16 really wasn't any of her business, but I said,  
 17 You know that my husband works an opposite  
 18 schedule of me and we're actually in a unique  
 19 position that we would be able to coordinate.  
 20 Q. How did Arlene respond?  
 21 A. I don't remember.  
 22 Q. What leads you to believe that Arlene's comment  
 23 was discriminatory?  
 24 A. Because I felt that she kept focusing on the

14 (Pages 50 to 53)

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1 pregnancy and how it was going to affect the way  
2 I worked or the possibility of not being able to  
3 come to work because I was going to be sick. And  
4 I just felt that all of these comments may have  
5 some relevance but it wasn't what we were talking  
6 about.

7 I said anything was possible but all we  
8 can plan on is what we know.

9 Q. Whether or not you returned from your maternity  
10 leave was important for scheduling who was going  
11 to do your job, wasn't it?

12 A. Yes.

13 Q. And whether or not there was coverage in the  
14 designer position if you were home with your baby  
15 was a legitimate question about scheduling,  
16 wasn't it?

17 A. I'm not -- can you repeat that?

18 Q. Figuring out the coverage for the designer  
19 position in your absence was a legitimate thing  
20 for Arlene to be looking at, wasn't it?

21 A. Right. That's what we were trying to discuss.

22 Q. Now, Ms. Osoff also told you that she would be  
23 hiring a designer to work with you; isn't that  
24 right?

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1 A. Yes. And that was my replacement. Or what she  
2 said was going to be my replacement. Those were  
3 her words.

4 Q. Now, didn't you suggest to Arlene that she hire  
5 somebody to work with you?

6 A. Yes. Work with me. But not to replace me.

7 Q. Do you remember any other comments that Arlene  
8 made to you during this conversation on December  
9 7?

10 A. In response to the comment that I just made, she  
11 said, Why should I pay another salary for another  
12 designer? Because if you didn't get pregnant,  
13 there was no need for me to hire another designer  
14 because you would be the designer.

15 Q. All right. I would like you to tell me exactly  
16 what you remember Miss Osoff saying about that.  
17 What exactly did she say?

18 A. I think that's somewhat exactly what she said.  
19 She said, Do you expect me to pay an additional  
20 salary plus your own for another designer?  
21 Essentially she said, If you didn't get pregnant,  
22 I was not planning to hire another designer  
23 because you would be the designer.

24 Q. Well, that's where I'm a little confused. You

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1 said essentially she said that. Did she say  
2 that?

3 A. Yes. She did say that.

4 Q. "If you didn't get pregnant, I wouldn't have to  
5 hire a new designer?"

6 A. Right.

7 Q. Had she hired a new designer at that point?

8 A. No.

9 Q. Is it possible that she said that because you  
10 were going to work a reduced schedule going  
11 forward?

12 A. She wasn't -- from what I understood is that she  
13 wasn't hiring this designer as an assistant. She  
14 was hiring this designer for me to train to  
15 replace me. She actually said in essence, You  
16 would be retraining your replacement.

17 Q. To do the job that you were doing before you were  
18 on your leave?

19 MS. DEVER: Objection.

20 A. To do the design development manager job.

21 Q. Okay. Are there any other comments that you  
22 recall Ms. Osoff making on December 7th?

23 A. Not at this time.

24 Q. Before December 7, 2001, did Miss Osoff ever make

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1 any comments to you that you feel were  
2 discriminatory?

3 A. Yes. Because when I first came back on the 3rd  
4 is when the initial conversation started. Some  
5 of these comments were made and then also  
6 repeated at other times when we had other  
7 conversations during that week.

8 Q. Well, what comments do you recall her making on  
9 December 3rd?

10 A. I don't know exactly. I do know that the first  
11 initial comment came up about not being able to  
12 work when I was pregnant. Or I might be out when  
13 I was pregnant. I might be sick when I was  
14 pregnant.

15 Q. What was it? Might not be able to work or might  
16 be out while you were pregnant?

17 A. I'm using "might be out" and "might not be able  
18 to work" in the same context. Same meaning.

19 Q. Okay. You might not be able to work because you  
20 would be out?

21 A. Exactly.

22 Q. Got you. And you think she made that comment on  
23 December 3rd as well?

24 A. Yes.

15 (Pages 54 to 57)

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- 1 Q. Any of these other comments that we've been  
2 talking about did she make on December 3rd?  
3 A. Yes.  
4 Q. Which ones?  
5 A. The one about if the baby was sick, I would have  
6 to stay home with the baby. Didn't know if I  
7 would be able to work afterwards until I held the  
8 baby in my arms. I just remember her saying  
9 that.  
10 Q. All right. Before December 3, 2001, did Arlene  
11 make any comments to you that you believe were  
12 discriminatory?  
13 A. No.  
14 Q. Before December 3, 2001, did Arlene do anything  
15 that leads you to believe that she was  
16 discriminating against you on the basis of your  
17 sex?  
18 A. No.  
19 Q. Before December 3, 2001, did Arlene make any  
20 comments that leads you to believe that she was  
21 discriminating against you on the basis of your  
22 pregnancy?  
23 A. No.  
24 Q. Before December 3, 2001, did Arlene do anything

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- 1 that leads you to believe that she was  
2 discriminating against you on the basis of your  
3 pregnancy?  
4 A. No.  
5 Q. Have you identified all of the comments that you  
6 allege Ms. Osoff made to you that week of  
7 December 3rd to December 7, 2001?  
8 A. I believe so.  
9 Q. When did you start work at Jansson?  
10 A. August of '94.  
11 Q. What was your position?  
12 A. Customer service.  
13 Q. What did you do as a customer service  
14 representative?  
15 A. It was mostly customer contact. Answering  
16 questions over the phone. Writing orders.  
17 Q. How long did you have that position?  
18 A. Just under a year.  
19 Q. Then what was your position?  
20 A. I was the finishing manager.  
21 Q. Was that a promotion?  
22 A. Yes.  
23 Q. Who promoted you?  
24 A. Arlene.

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- 1 Q. What were your duties as finishing manager?  
2 A. You oversaw the daily scheduling of the finishing  
3 department.  
4 Q. Did you supervise people?  
5 A. Yes.  
6 Q. Had you had supervisory experience before that?  
7 A. Yes.  
8 Q. At Jansson?  
9 A. No.  
10 Q. How many people did you supervise?  
11 A. Oh, I want to say approximately ten. Maybe more.  
12 Q. This promotion occurred in roughly August of '95?  
13 A. I have no idea really. I don't remember.  
14 Q. But you think you did your customer service job  
15 for about a year?  
16 A. Yeah. It wasn't very long.  
17 Q. How long were you the finishing manager?  
18 A. A couple years.  
19 Q. What was your next position at Jansson?  
20 A. Design development manager.  
21 Q. When did you take over that job?  
22 A. I believe that was in '98. I'm not exactly sure.  
23 Q. Was that a job that you went from finishing  
24 manager to design development manager or was

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- 1 there a transition period?  
2 A. Um, there was a small transition because I was  
3 training the person that was going to be running  
4 finishing. And because I knew finishing so well  
5 and was very successful at running it  
6 efficiently, Arlene wanted me to continue  
7 overseeing it so I kind of juggled both jobs but  
8 the design job itself was something that I did  
9 when I was in customer service.  
10 Arlene was training me and involved me  
11 in design during customer service, during  
12 finishing, and then when the actual transition  
13 went through is when they actually carved out an  
14 office for me, which is where I worked.  
15 Q. Was the move from finishing manager to design  
16 development manager a promotion?  
17 A. Yes.  
18 Q. Did you receive an increase in pay?  
19 A. Yes.  
20 Q. Who promoted you?  
21 A. Arlene.  
22 Q. Had you had design experience before you took  
23 this job?  
24 A. Yes.

16 (Pages 58 to 61)

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- 1 Q. Where?
- 2 A. I had my own bridal design company.
- 3 Q. Any other experience in design?
- 4 A. Yes. That's actually what my degree is in.
- 5 Design.
- 6 Q. Where is your degree from?
- 7 A. Endicott College, Beverly.
- 8 Q. Was it in bridal design or was it in --
- 9 A. Clothing.
- 10 Q. Clothing design. Is that a four-year degree?
- 11 A. No. It is an Associate's.
- 12 Q. What were you designing for Jansson?
- 13 A. I'm sorry?
- 14 Q. What were you designing for Jansson?
- 15 A. Personalized invitations. Greeting cards.
- 16 Q. Anything else?
- 17 A. I worked with Arlene on like the design layout of
- 18 advertisements. She was working on the
- 19 possibility of designing some new product lines.
- 20 Q. Product lines other than personalized invitations
- 21 and greeting cards?
- 22 A. Yes.
- 23 Q. What other product lines?
- 24 A. Like notepad sets, that type of thing.

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- 1 Q. Did Arlene tell you why she was promoting you
- 2 from finishing manager to design development
- 3 manager?
- 4 A. Well, I know she thought I was extremely talented
- 5 and I was extremely efficient and organized. And
- 6 she wanted to train another individual to be able
- 7 to design so that she could take a back seat.
- 8 Q. Did she tell you those things?
- 9 A. Yes.
- 10 Q. How did you respond?
- 11 A. I was flattered.
- 12 Q. And did Arlene train you in the design
- 13 development position?
- 14 A. She didn't train me in the position but what she
- 15 did do is train me to understand the Jansson
- 16 product so that we could keep the integrity of
- 17 the product and so I could properly design for
- 18 that type of product.
- 19 Q. Tell me a little bit more about that. What does
- 20 that mean, the integrity of the product?
- 21 A. It was a high-end company. It filled a niche
- 22 within the industry for certain style, I should
- 23 say. And it was kind of considered like a
- 24 Jansson look and she wanted to continue that look

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- 1 but also remain competitive in the market to some
- 2 of the trends that were coming up that she wanted
- 3 to keep a cutting edge on. I offered a fresh
- 4 eye.
- 5 Q. How did she train you in the product?
- 6 A. Just working with me.
- 7 Q. Did you work closely with her?
- 8 A. Yes.
- 9 Q. Did she continue to do some of the design duties
- 10 early on?
- 11 A. Early in my taking the position, yes.
- 12 Q. How long do you think it was between when you
- 13 started in that position and completely took over
- 14 the design duties?
- 15 A. I don't really recollect. I want to say maybe
- 16 about six months.
- 17 Q. Did you view that promotion as an opportunity?
- 18 A. Define "opportunity."
- 19 Q. Well, was it a good thing?
- 20 A. Yes, it was. A very good thing.
- 21 Q. Did you like working with Arlene at that time?
- 22 A. I always enjoyed working with Arlene.
- 23 Q. How would you describe your working relationship
- 24 with Arlene?

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- 1 A. Professional.
- 2 Q. Did you exchange personal confidences with Arlene
- 3 at any time you worked with her?
- 4 A. We did discuss my getting pregnant.
- 5 Q. What do you recall about that?
- 6 A. I wanted her to be aware of what I was going
- 7 through to get pregnant because I was going to be
- 8 needing to use vacation and sick time to take
- 9 time off. That I wasn't actually going to be
- 10 taking a scheduled vacation, that I would be
- 11 putting time -- that time aside for fertility
- 12 treatments. And I shared that personal part of
- 13 my life with her because I knew that it may
- 14 directly affect the scheduling of my job.
- 15 Q. When did you first start fertility treatments?
- 16 A. I want to say -- they wanted to start in '99 but
- 17 they could not because I had to have two surgical
- 18 procedures before they could start. So I started
- 19 in 2000, I believe.
- 20 Q. And did you take vacation and sick time for some
- 21 of those treatments?
- 22 A. Yes, I did.
- 23 Q. Did anyone ever object to you doing that?
- 24 A. No.

17 (Pages 62 to 65)

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1 Q. When was the first time you went, you took time  
2 off for fertility treatments?  
3 A. I believe it was January of 2000.  
4 Q. And did you take family and medical leave --  
5 A. No.  
6 Q. -- for that?  
7 A. No.  
8 Q. You just have to wait until I finish my question.  
9 A. I'm sorry.  
10 Q. How long did you take off in January of 2000?  
11 A. I believe it might have been a week or three  
12 days.  
13 Q. Did you talk with Arlene about that at the time?  
14 A. Yes.  
15 Q. What was her response?  
16 A. Just to let her know what days they were.  
17 Q. Did she object?  
18 A. No. She just asked that I had all my work in  
19 order before I left, which I did.  
20 Q. When is the next time you recall taking time off  
21 for fertility treatments?  
22 A. The following month. I was rushed to the  
23 hospital with an abscess. That was unexpected.  
24 I was in the hospital I believe for nine days,

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1 which resulted in a miscarriage. And I was out  
2 for additional time after that.  
3 Q. Was that Family and Medical Leave Act?  
4 A. No.  
5 Q. Did Arlene visit you in the hospital?  
6 A. No.  
7 Q. Did she object to the time that you took off for  
8 this?  
9 A. No.  
10 Q. Do you claim that Jansson treated you  
11 discriminatorily with regard to this leave?  
12 A. No.  
13 Q. What's the next time you recall taking time off  
14 for fertility treatments?  
15 A. June. I believe it was June.  
16 Q. The same year?  
17 A. Yes.  
18 Q. So we're still in 2000?  
19 A. Yes.  
20 Q. And how long did you take off then?  
21 A. Hold on a minute. That might not have been then.  
22 I'm sorry. I have to go backwards  
23 because it helps me remember it better. That all  
24 happened in 2001. What happened in 2002 --

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1 January of 2002, I'm sorry, was a scheduled  
2 surgery that I was out for a few weeks. I'm  
3 sorry. I missed a year in there.  
4 Q. Now, the last day of your employment was December  
5 7, 2001?  
6 A. Yes.  
7 Q. And so these -- what you have been describing for  
8 me, this all happened in 2001?  
9 A. Yes. Yes. I took -- those three days I'm  
10 talking about were in January.  
11 Q. Okay.  
12 A. Um -- it was in January. I had the abscess and  
13 miscarriage in February.  
14 Q. Mm-hmm.  
15 A. And then I had another cycle in June.  
16 Q. Okay. And how much time did you take off in  
17 June?  
18 A. Just a few days.  
19 Q. Any objections from Jansson?  
20 A. No.  
21 Q. Did you have any conversations with Arlene about  
22 that at the time?  
23 A. Just normal scheduling and, you know, bring her  
24 up to speed on what was going on before I left

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1 and she brought me up to speed with things when I  
2 came back.  
3 Q. Did you have any conversation with her about how  
4 the treatments were going?  
5 A. Yes. She always asked me how things were.  
6 Q. And are you claiming that those comments were  
7 discriminatory?  
8 A. No.  
9 Q. When was the next time you took off work for  
10 fertility treatments?  
11 A. October.  
12 Q. And that was Family and Medical Leave Act leave,  
13 correct?  
14 A. Yes. Because she told me that that was available  
15 to me because of a situation that had come up at  
16 that particular time that I would have to be out.  
17 I had to have an additional surgery that the  
18 doctor wanted to team up with a fertility cycle  
19 and I was going to have to take additional drugs  
20 that I was going to be very uncomfortable with  
21 and he recommended that I take the time off so he  
22 filled out the proper paperwork that was needed  
23 for that time off.  
24 Q. And you took approximately six weeks off?

18 (Pages 66 to 69)

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1 A. It was mid October and I returned December 3rd so  
 2 yes.  
 3 Q. Did Arlene object or did Jansson object to your  
 4 taking this leave?  
 5 A. No.  
 6 Q. And Arlene had you apply for the salary  
 7 continuation during that leave as well; isn't  
 8 that correct?  
 9 A. That's a part of that benefit.  
 10 Q. Had you received that before?  
 11 A. No, because I was using vacation and sick time.  
 12 Q. You applied for salary continuation during that  
 13 leave, correct?  
 14 A. If that's what that -- that policy -- that  
 15 benefit was, if that's the name of it, that's --  
 16 Q. Okay.  
 17 A. I don't know the name of it so if that is the  
 18 name of it, I'm sorry.  
 19 Q. Fair enough.  
 20 A. That is what I filled out.  
 21 Q. You were paid for some portion of your leave?  
 22 A. Yes, I was. According to those guidelines.  
 23 Q. And it was not just vacation or sick time?  
 24 A. No. Because I had used previous vacation and

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1 sick time earlier in the year. And Arlene let me  
 2 know that that was available. She suggested it.  
 3 Q. Did Arlene object to your taking a leave in  
 4 October of 2001?  
 5 A. No.  
 6 Q. Did she know what procedures you were going to be  
 7 going through?  
 8 A. I explained to her why I needed that much time  
 9 off.  
 10 Q. From the time you started these treatments in  
 11 2001 until October, 2001, did you share with  
 12 Arlene how it was going?  
 13 A. If the conversation came up, yes.  
 14 Q. Did she ask?  
 15 A. Yes.  
 16 Q. Did that make you uncomfortable?  
 17 A. No. I took it as her caring about me.  
 18 MR. PALMQUIST: This might be a good  
 19 spot to stop for a break. Okay?  
 20 MS. DEVER: Sure.  
 21 (Lunch recess.)  
 22  
 23  
 24

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1 Afternoon Session  
 2 Q. I would like you to describe for me your job  
 3 history since you left Jansson.  
 4 A. Actual jobs worked or -- the process of looking  
 5 for?  
 6 Q. Both. Let's start with any jobs that you've had  
 7 since you left Jansson.  
 8 A. I worked for a company called Marsha  
 9 Incorporated.  
 10 Q. Sorry?  
 11 A. Marsha Incorporated.  
 12 Q. Marsha?  
 13 A. Yes.  
 14 Q. What did you do there?  
 15 A. I designed children's clothing.  
 16 Q. When did you get that job?  
 17 A. September of 2003.  
 18 Q. How long did you work there?  
 19 A. Until very early May, 2004.  
 20 Q. How much were you making there?  
 21 A. I started, I believe, at 15 and then was given an  
 22 increase to 18.  
 23 Q. Eighteen dollars an hour?  
 24 A. Yes.

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1 Q. Why did you leave there?  
 2 A. The company was trying to compete with China and  
 3 decided not to invest in going overseas and  
 4 closed the company down.  
 5 Q. So they shut down?  
 6 A. Yes. They closed.  
 7 Q. What was the next job you held?  
 8 A. None since then.  
 9 Q. Could you describe for me your job search efforts  
 10 beginning in December of 2001?  
 11 A. Yes. I aggressively worked with -- well, I used  
 12 kind of two sources. One was the paper and the  
 13 other was the Internet. Just aggressively sent  
 14 out applications.  
 15 Q. How many applications do you think you sent out?  
 16 A. A lot. Well, you know, maybe one or two a week.  
 17 Maybe might have had a good week where there were  
 18 three or four things and maybe the following week  
 19 there wasn't really quite anything. The week  
 20 after that you might send out two or three. So I  
 21 would probably say it might have averaged ten a  
 22 month.  
 23 Q. Ten a month from December, 2001 until you got  
 24 your job in September of 2003?

19 (Pages 70 to 73)

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1 A. Yes. Well, during the first couple months that I  
 2 had the baby, my search wasn't as aggressive.  
 3 Q. When was your baby born?  
 4 A. July 16, 2002.  
 5 Q. What kinds of jobs were you applying for?  
 6 A. Kind of a combination of things. Since my skills  
 7 were somewhat unique and specialized, there  
 8 weren't a lot of companies in this area that did  
 9 that type of work. So I started to apply my  
 10 skills in a more general way so, for example,  
 11 there was a chocolate company that was looking  
 12 for someone to design new chocolate products and  
 13 actually the job sounded pretty similar to the  
 14 job I did at Jansson so I would apply for  
 15 something like that.  
 16 Q. You were looking for design jobs?  
 17 A. Design, and then I started to look more into  
 18 administrative-type jobs. Because at that point  
 19 where there wasn't anything readily available for  
 20 design and I was starting to notice that I didn't  
 21 have the degree that they were looking for, I  
 22 started to look into different-type jobs that I  
 23 might be able to adapt my skills to.  
 24 Q. What kind of administrative jobs did you apply

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1 for?  
 2 A. Um, mainly like within publications. Advertising  
 3 agencies.  
 4 Q. Did you have any interviews?  
 5 A. No.  
 6 Q. Did you place any limitations on your search?  
 7 A. I'm not sure I understand what you mean by  
 8 "limitations."  
 9 Q. Well, maybe you already testified to this but you  
 10 said you applied for some design jobs and some  
 11 administrative-type jobs.  
 12 A. Mm-hmm.  
 13 Q. Were there any other general categories of jobs  
 14 that you saw in the newspaper and said, I'm going  
 15 to apply for all these jobs?  
 16 A. I'm sorry. I'm not really sure --  
 17 MS. DEVER: Objection.  
 18 A. -- I understand what you mean. I want to answer  
 19 it correctly so I want to make sure I understand  
 20 what you mean.  
 21 Q. Yeah. Let me just rephrase that. Were there any  
 22 other categories of jobs that you applied for?  
 23 A. Besides design and administrative?  
 24 Q. Correct.

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1 A. I don't believe so.  
 2 Q. Were you actively looking for employment between  
 3 December, 2001 and July 16, 2002 when you had  
 4 your baby?  
 5 A. Yes.  
 6 Q. And you said you were not as active after the  
 7 baby was born. When did that pick up again?  
 8 A. He was born mid July. I would say late  
 9 September. That same year.  
 10 Q. And in late September, you resumed at the same  
 11 level you were before you had your baby?  
 12 A. Yes. I made some adjustments. I had someone  
 13 look over my resume to see if there was something  
 14 that might -- that I could change that might make  
 15 it more appealing to actually get an interview.  
 16 I was starting to look at refining my resume so  
 17 that I could possibly -- maybe that was holding  
 18 me back from not getting a job or -- I started to  
 19 venture into possibilities of maybe why I wasn't  
 20 getting any bites.  
 21 Q. Did you go to an outplacement service?  
 22 A. No. I have a friend who is a recruiter. That's  
 23 her profession. And she sat down and helped me  
 24 work through my resume and rewrite it.

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1 Q. Did you keep any kind of job log?  
 2 A. Yes. I have one I believe I kept for you.  
 3 Q. Did you keep a record of companies that you  
 4 applied to or contacted?  
 5 A. Yes.  
 6 Q. Is that the same log?  
 7 A. That is the log, yes.  
 8 Q. And you haven't worked since May of '04; is that  
 9 correct?  
 10 A. Correct.  
 11 Q. And you're still looking for a job at the same  
 12 level and with the same intensity that you were  
 13 between December, 2001 and when you got your job  
 14 in September of 2003?  
 15 A. Well, when I was laid off or when the company  
 16 closed, Marsha, Inc., closed and I was collecting  
 17 unemployment, I spoke to a career counselor there  
 18 and started to aggressively get involved with  
 19 some new programs that they had put in place.  
 20 Seminars for helping individuals that may want to  
 21 retrain for maybe a different type of job that  
 22 were thinking of making career changes.  
 23 So I started to get into that type of  
 24 thing. And in order to become more competitive

20 (Pages 74 to 77)

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1 in the marketplace, I needed to update some of my  
 2 skills. So they guided me through that process.  
 3 Q. What was the name of this career counselor?  
 4 A. It's -- I believe North Shore Career Center in  
 5 Salem.  
 6 Q. Did you pay a fee for this service?  
 7 A. No.  
 8 Q. Are you claiming that you suffered emotional  
 9 distress damages because of your employment at  
 10 Jansson?  
 11 A. Yes.  
 12 Q. What conduct do you claim caused you to suffer  
 13 emotional distress?  
 14 A. I'm sorry? What do you mean by "what conduct"?  
 15 Q. What caused you stress, distress?  
 16 A. Finance. Finances. The lack of.  
 17 Q. What did Jansson do to cause you distress  
 18 regarding your finances?  
 19 A. Not working with them anymore.  
 20 Q. Have you been to see a doctor, psychologist or  
 21 counselor about emotional distress issues you  
 22 claim to have suffered in connection with your  
 23 employment at Jansson?  
 24 A. No.

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1 Q. I would like to get some more detail from you  
 2 regarding your claim of emotional distress or  
 3 mental anguish. Would you describe for me the  
 4 symptoms that you experienced -- let's start with  
 5 from December, 2001 until September, 2003 when  
 6 you started your new job?  
 7 A. I'm sorry. Can you rephrase --  
 8 Q. I would like for you to describe for me the  
 9 symptoms that you have experienced of emotional  
 10 distress.  
 11 A. From what dates?  
 12 Q. From December, 2001 to September of 2003.  
 13 A. Well, it was after December 7th that the  
 14 emotional distress started.  
 15 Q. How did it manifest itself? What did you  
 16 experience?  
 17 A. Well, when Arlene asked me to write a letter of  
 18 resignation, which was the final say of not being  
 19 employed by Jansson any longer, I was not  
 20 financially prepared to not have a job.  
 21 Q. Let's talk about that letter. When did she ask  
 22 you to write a letter of resignation?  
 23 A. That Friday, December 7th.  
 24 Q. What was your response?

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1 A. At that time I said I would write one.  
 2 Q. And did you?  
 3 A. No, I did not.  
 4 Q. Why did she ask you to write a letter of  
 5 resignation?  
 6 A. Because when she asked me to leave and I got up  
 7 to leave, when I opened the door, she said, I  
 8 want you to write me a letter of resignation.  
 9 And I said, Fine. I'll take care of it over the  
 10 weekend.  
 11 Q. But you're claiming now that you didn't resign;  
 12 is that correct?  
 13 A. Well, when I thought about it over the weekend, I  
 14 felt that I wasn't resigning from my position. I  
 15 wanted to work my position.  
 16 Q. But you wanted to work your position at \$25 an  
 17 hour; isn't that correct?  
 18 A. Yes.  
 19 Q. And you weren't going to work your position for  
 20 \$22 an hour, were you?  
 21 A. Well, that was the disagreement that we were  
 22 trying to resolve.  
 23 Q. And from your perspective, there was no  
 24 resolution of that because Arlene didn't agree to

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1 pay you \$25 an hour, did she?  
 2 A. At that time, we weren't coming up with a new  
 3 agreement. We weren't resolving it.  
 4 Q. You walked out when she said you weren't going to  
 5 get paid \$25 an hour. Isn't that true?  
 6 MS. DEVER: Objection.  
 7 A. I walked out when she asked me to leave.  
 8 Q. Isn't it true that she asked you to leave now as  
 9 opposed to working for two weeks after you had  
 10 given your two-week notice saying that it was  
 11 unnecessary for you to stay for the two weeks?  
 12 Isn't that correct?  
 13 A. She said it was unnecessary. I offered to help  
 14 if she needed it. When I was getting up to leave  
 15 on my way to the door, I said, If you need help,  
 16 if you would like me to stay for two weeks and  
 17 help -- or to the end of the month is I believe  
 18 what I said. I didn't say two weeks.  
 19 If you would like me to stay to the end  
 20 of the month and help through the transition, I  
 21 would be happy to do that.  
 22 Q. But the only transition is because you told her  
 23 you were submitting your resignation; isn't that  
 24 correct?

21 (Pages 78 to 81)

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1 A. She said that after.  
 2 Q. But you agreed you were going to give her a  
 3 resignation notice, correct?  
 4 A. I did agree I would write one.  
 5 Q. Isn't it true Miss Osoff told you she didn't want  
 6 you to leave?  
 7 A. Yes. She did say that.  
 8 Q. Okay. Didn't she also tell you she didn't think  
 9 you wanted to leave either?  
 10 A. That's true.  
 11 Q. Isn't it true that you said that your demands  
 12 were not negotiable and that you were leaving on  
 13 December 7th?  
 14 A. No. I didn't say that.  
 15 Q. When Ms. Osoff told you that you could simply  
 16 leave and not come back, it was because she said  
 17 if you're really resigning, you can simply leave  
 18 and not come back; isn't that correct?  
 19 A. I'm not sure if it was said in those exact words.  
 20 Q. Something to that effect?  
 21 A. Yes.  
 22 Q. Now, Miss Osoff hadn't hired a replacement for  
 23 you at that time, had she?  
 24 A. No.

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1 Q. Was there a lot of work that was going to happen  
 2 between December 7th and the end of the year?  
 3 A. Yes. Because I was just returning from being out  
 4 for several weeks and there were two main  
 5 catalogs that needed to be somewhat established  
 6 before January.  
 7 Q. Before the end of the year?  
 8 A. Yes. Because after the Christmas rush the  
 9 pressroom was available and I wanted to expedite  
 10 the work so it could get within that time frame.  
 11 Q. But you knew Miss Osoff was fully capable of  
 12 performing those duties; isn't that correct?  
 13 A. Yes.  
 14 Q. Let's go back. We were talking about your  
 15 emotional distress damages or symptoms, I guess,  
 16 and what I would like to ask you in a little bit  
 17 more detail about is what kinds of physical  
 18 symptoms, if any, did you experience after you  
 19 left your employment in December of 2001.  
 20 A. Very high level of anxiety. Uncertainty. I was  
 21 pregnant. I was starting a family. I was  
 22 concerned for their security. I also felt a  
 23 tremendous loss. Jansson was a big part of my  
 24 life. It's where I was expecting to spend

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1 several years. And it was not there anymore.  
 2 Q. Any other symptoms that you experienced?  
 3 A. Because of the way the situation was handled, I  
 4 developed a level of insecurity.  
 5 Q. What do you mean by that?  
 6 A. I was an extremely dedicated employee and I  
 7 worked very hard for the company. I excelled in  
 8 my position. And I felt there was only a  
 9 one-sided loyalty there from me.  
 10 Q. Anything else?  
 11 A. No.  
 12 Q. Did you ever take any medication as a result of  
 13 your alleged mental anguish and emotional  
 14 distress?  
 15 A. I wasn't able to. I was pregnant.  
 16 Q. After you gave birth, did you take any  
 17 medication?  
 18 A. No.  
 19 Q. How long did these symptoms of anxiety,  
 20 insecurity, these things that you've been talking  
 21 about, how long did they last?  
 22 A. To this very day.  
 23 Q. Have you ever taken any medication for any other  
 24 psychological problem at any time?

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1 A. No.  
 2 Q. And I think I asked you this, but have you seen a  
 3 psychologist or counselor?  
 4 MS. DEVER: Objection.  
 5 You can answer.  
 6 A. No, I don't.  
 7 Q. You have not?  
 8 A. Yes. You asked that before. No, I have not.  
 9 Q. Sorry.  
 10 A. Sorry. I'm trying to follow you so --  
 11 Q. Okay. Where were you born?  
 12 A. Milton, Massachusetts.  
 13 Q. Okay. And where have you lived in your life?  
 14 You lived in the area your whole life?  
 15 A. Yes. In the Boston area. North of -- south of  
 16 the city and north of the city.  
 17 Q. I think we talked a little bit about your  
 18 educational background. You have an Associate's  
 19 degree in --  
 20 A. Yes.  
 21 Q. -- clothing design?  
 22 A. Yes.  
 23 Q. Did you graduate from high school on time?  
 24 A. Yes.

22 (Pages 82 to 85)

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1 Q. You have siblings?  
 2 A. Yes.  
 3 Q. How many?  
 4 A. Seven. I had seven. Sorry.  
 5 Q. Any learning disabilities as a child?  
 6 A. No.  
 7 Q. Did you have a happy childhood?  
 8 A. Yes.  
 9 Q. Did you have many friends growing up?  
 10 A. Yes.  
 11 Q. Any health-related problems as a child?  
 12 A. No.  
 13 Q. Any mental health issues or problems as a child?  
 14 A. No.  
 15 Q. Any problems related to your parents?  
 16 A. No.  
 17 Q. I would like you to describe your job history.  
 18 Let's just start from when you got your  
 19 Associate's degree to Jansson.  
 20 A. My first job out of college was with Louis of  
 21 Boston. I went in as a salesperson. I was  
 22 having a hard time breaking into the design field  
 23 so I went into retail, which was part of my  
 24 major. I worked for them for six years.

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1 Q. Louis?  
 2 A. Louis of Boston. Louis Incorporated I believe it  
 3 is.  
 4 Q. Okay.  
 5 A. I worked for them for six years. After that, I  
 6 opened my own design company, which I worked for  
 7 -- I believe it was about ten years. And I  
 8 picked up additional work while I was running my  
 9 business.  
 10 Q. Describe for me what your design company was.  
 11 A. It was a custom bridal design shop. And brides  
 12 would come to me with ideas of what they wanted  
 13 their wedding gown to be. I would draw up a  
 14 draft, pattern, sew. It entailed a lot of tasks  
 15 that you have when you run your own company. The  
 16 financials. The promotional-type literature.  
 17 Q. Did you actually make the clothing, too?  
 18 A. Yes. In the beginning. And when I got too busy,  
 19 I eventually subcontracted the work to other  
 20 seamstresses.  
 21 Q. And you made a living at this for ten years?  
 22 A. Yes. For different periods throughout the ten  
 23 years, I worked for other companies on a  
 24 part-time basis for extra income.

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1 Q. Doing the same thing?  
 2 A. For one company, yes. And for another company, I  
 3 touched on my retail experience.  
 4 Q. Can you give me a range of the kinds of revenues  
 5 you were generating with your own business?  
 6 A. Not a whole lot. Small. Small business.  
 7 Q. More than 10,000 a year?  
 8 A. Yes. But --  
 9 Q. More than 50?  
 10 A. Under 50.  
 11 Q. Under 50.  
 12 A. Yes. It was very minimal.  
 13 Q. Okay. More than 20?  
 14 A. Yes. Probably. Let's put it this way. In the  
 15 good years. There was always that start-up  
 16 period, which I worked while I was starting it  
 17 up. And there were a few years that this did  
 18 pretty good. I just drew a very small paycheck  
 19 because I pretty much put the money back into the  
 20 company.  
 21 Q. What do you think your best year was? Forty?  
 22 A. It's been a long time. I don't really remember.  
 23 Q. Okay. Fair enough.  
 24 A. I really don't.

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1 Q. I'm just trying to put bookends on it. That's  
 2 fine.  
 3 A. I'm sorry. I really don't.  
 4 Q. All right. You said you did your design company  
 5 for ten years supplemented by various other  
 6 part-time employment; is that correct?  
 7 A. Yes.  
 8 Q. And does that lead us up to Jansson?  
 9 A. Yes.  
 10 Q. Why did you leave Louis?  
 11 A. I think that was more design-related. I wanted  
 12 to establish more of my design degree as opposed  
 13 to the retail.  
 14 Q. You left voluntarily?  
 15 A. Yes.  
 16 Q. Why did you decide to leave your design company  
 17 to go to work for Jansson?  
 18 A. I think it came to a turning point where I was in  
 19 the middle of writing a small business loan for  
 20 funding to open up an actual bridal shop, which  
 21 would generate more revenue and become a more  
 22 permanent situation but there was a lot of talk  
 23 in the area that there was a large discount  
 24 bridal shop coming into the area. And a lot of

23 (Pages 86 to 89)

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1 bridal shops were already going under because of  
2 it.

3 Because the process of me writing the  
4 loan and working with the small business  
5 consultant, you know, was a process of about a  
6 year and in that meantime, the shop had come in  
7 and a couple of bridal shops had already gone  
8 out. And I felt it was too much of a risk and I  
9 didn't want to take that type of financial risk.

10 Q. Did you submit the SBA loan or --

11 A. No, I didn't.

12 Q. Are you married now?

13 A. Yes.

14 Q. How many times have you been married?

15 A. Once.

16 Q. Were you ever engaged before?

17 A. No.

18 Q. Any problems associated with your marriage?

19 A. No.

20 Q. Have you been in marriage counseling?

21 A. No.

22 Q. Have you ever attempted suicide?

23 A. No.

24 Q. Have you ever had thoughts of suicide?

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1 A. No.

2 Q. Have you ever made a claim of any kind against an  
3 employer prior to this lawsuit?

4 A. No.

5 Q. Have you ever been convicted of a crime of any  
6 kind?

7 A. No.

8 Q. Have you ever been involved in any other  
9 litigation?

10 A. No.

11 Q. Court cases?

12 A. No.

13 Q. Who were your friends at Jansson?

14 A. Define "friends."

15 Q. Were there any people at Jansson that you  
16 socialized with outside of work?

17 A. Maybe, you know, we went out to -- for a bite to  
18 eat or a drink after work but never actually made  
19 plans from home to meet. It was usually just a  
20 connection from work or extension of work.

21 Q. Who did you have a drink with after work?

22 A. Pamela Greene, Paul Capasso, Lucia McDougall.

23 Q. Anyone else?

24 A. No. Sometimes it was more than one person would

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1 come along so -- there might have been a group.  
2 Combination of people.

3 Q. Do you keep in contact with anybody that still  
4 works at Jansson?

5 A. One particularly that has remained after all this  
6 time.

7 Q. Who is that?

8 A. Sandy Dube.

9 MR. RUDY: She is not there anymore.

10 THE WITNESS: She is not there anymore?

11 MR. RUDY: Sorry.

12 Q. Who is Sandy Dube?

13 A. Sandy -- you mean what did she do when she was at  
14 Jansson?

15 Q. Yeah.

16 A. She wore many hats. She worked with the  
17 accounts. She helped out customer service.

18 Q. When was the last time you talked to Sandy?

19 A. A few weeks ago when my brother died.

20 Q. What did you talk to Sandy about?

21 A. My brother's death.

22 Q. It was about your brother?

23 A. Mm-hmm.

24 Q. Do you see Sandy on a regular basis or had you

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1 seen her on a regular basis before that?

2 A. We get together every few months.

3 Q. Have you talked to her about this lawsuit?

4 A. No.

5 Q. Anyone else that you keep in contact with at  
6 Jansson?

7 A. Every -- periodically I might hear from Hollie  
8 Prince just to say hi.

9 Q. Hollie Prince?

10 A. Yes.

11 Q. Who did you talk to regarding your decision to  
12 bring this lawsuit other than your attorneys?

13 A. My husband.

14 MR. PALMQUIST: Okay. Do you want to  
15 take just a short break? I'm going to have her  
16 mark some exhibits and we're going to run through  
17 a few of those.

18 (Off the record.)

19 (Recess.)

20 (1/17/03 memo marked Exhibit No. 1.)

21 (2/16/00 note marked Exhibit No. 2.)

22 (6/23/01 note marked Exhibit No. 3.)

23 (10/5/01 letter marked Exhibit No. 4.)

24 (10/10/01 Salary Continuance Plan

24 (Pages 90 to 93)

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<p>1 marked Exhibit No. 5.)  2 (Response to Request for Family Medical  3 Leave marked Exhibit No. 6.)  4 (Charge of Discrimination marked  5 Exhibit No. 7.)  6 (Complainant's Response to Respondents'  7 Position Statement marked Exhibit No. 8.)  8 (Complaint marked Exhibit No. 9.)  9 (Plaintiff's Rule 26(A) Disclosures  10 marked Exhibit No. 10.)  11 (Jansson Information for Employees  12 marked Exhibit No. 11.)  13 Q. Ms. Patrick, I'm handing you what's been marked  14 as Deposition Exhibit No. 1. Would you take a  15 moment to review that, please?  16 A. I'm sorry. This is 12/22/2000? Is that what  17 this is? Is that what that is? 2000? I mean,  18 '00?  19 Q. I believe so.  20 A. Okay.  21 Q. I'm asking you, though.  22 MR. RUDY: Might have been cut off.  23 That's what it looks like.  24 MS. DEVER: Is there a question? I</p>	<p>1 understand this. I got married in '98. Saw a  2 fertility specialist in '99. I had a series of  3 tests during the fall. I had a minor surgical --  4 in November of '99, which I did over the  5 Thanksgiving weekend. And then that's when they  6 determined I needed additional surgery, so that  7 they would have been notified about it in '99 it  8 was. It was scheduled for January, 2000. And  9 then it goes from there.  10 Okay? So that's what I believe this  11 is. The date's confusing to me.  12 Q. If you look at the second to last page of Exhibit  13 1 --  14 A. 1/17.  15 Q. This is the certification from your health care  16 provider. Is this when you had an abdominal  17 myomectomy?  18 A. Yes.  19 Q. Who was your treating health care provider?  20 A. You mean what was my insurance provider or the  21 doctor?  22 Q. No. Your doctor.  23 A. Dr. Rein.  24 Q. Is that him on the last page of this exhibit?</p>
Page 95	Page 97
<p>1 can't remember.  2 MR. PALMQUIST: There isn't. No. Not  3 yet.  4 MS. DEVER: Okay.  5 A. Okay. So this --  6 MS. DEVER: There's no question.  7 A. Oh, okay. I'm just looking it over? I'm sorry.  8 Q. Can you tell me what that is?  9 A. Oh. This was a surgery -- a scheduled surgery  10 that I had in January. That was the one that I  11 flipped the day I was -- it was one of the  12 surgical procedures I needed to have before I  13 could start my fertility treatments.  14 Q. And does this document refresh your recollection  15 as to what the dates were of that particular  16 surgery?  17 A. I'm confused.  18 Q. I will suggest that I think that that 12/22/00 is  19 probably a mistake. It looks like the date's --  20 A. It was in -- I believe --  21 Q. Right. That's what I'm suggesting but I don't  22 know that.  23 A. All right. I had a -- I'll just brief you on  24 this because this is the best way for me to</p>	<p>1 A. Yes.  2 Q. Did you fill this out or did somebody at Jansson  3 do this?  4 A. Someone at Jansson did.  5 Q. Do you know whether you took this as FMLA leave?  6 A. No, I didn't.  7 Q. Have you ever seen this before today?  8 A. No. I haven't.  9 Q. Do you claim that anyone at Jansson retaliated  10 against you because you took this leave?  11 A. No.  12 Q. I'm handing you what's been marked Deposition  13 Exhibit 2. Would you tell me when you're done  14 reviewing that?  15 A. Yes.  16 Q. Do you know what this is?  17 A. Yes.  18 Q. What is it?  19 A. This is a letter from Dr. Rein just stating that  20 I was undergoing the surgery and the time frame  21 that I would be out from work.  22 Q. I'm handing you now what's been marked as  23 Deposition Exhibit No. 3. Can you tell me when  24 you're done reviewing that?</p>

25 (Pages 94 to 97)

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1 A. Okay.  
 2 Q. Can you tell me what this is?  
 3 A. This was a fertility cycle that I went through.  
 4 And that I would be out for those given days but  
 5 I actually wasn't out for those days. I went in  
 6 and took some work home and worked from home for  
 7 a few of them.  
 8 Q. What were the dates of this absence?  
 9 A. Well, they're saying June 20th to June 27th.  
 10 Q. Did you take any of that period off?  
 11 A. Yes.  
 12 Q. How many days did you take off?  
 13 A. Probably -- I'm just going by memory of the  
 14 cycle, what the cycles are like. Probably maybe  
 15 three or four of the days.  
 16 Q. Who was the doctor that signed off on this, if  
 17 you know?  
 18 A. I don't know who did -- I'm trying to think. It  
 19 was a part of Dr. Rein's team so it would have  
 20 been one of the doctors within his group. I  
 21 can't read his signature so I really don't know.  
 22 Q. Is the Brigham and Women's Hospital where you  
 23 received your fertility treatments?  
 24 A. Yes.

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1 Q. Is that different from the North Shore Medical  
 2 Center?  
 3 A. Yes. It's a combination of two places. You go  
 4 for part of your treatment in the North Shore.  
 5 Dr. Rein's affiliated with Brigham and Women's so  
 6 you actually do the part of the procedure, the  
 7 surgical part of the procedure you actually do at  
 8 Brigham's.  
 9 Q. I'm handing you what's been marked as Exhibit No.  
 10 4. Would you please review that?  
 11 A. Okay.  
 12 Q. Can you tell me what that is?  
 13 A. This is a letter from Dr. Rein explaining a  
 14 particular procedure that I was going to be going  
 15 through during my next fertility cycle. And he  
 16 was recommending that I medically -- for medical  
 17 reasons take a particular amount of time off.  
 18 Q. I'm handing you what's been marked as Deposition  
 19 Exhibit No. 5. Would you take a moment to review  
 20 that, please?  
 21 A. Okay.  
 22 Q. Is that your signature on the second page of  
 23 Exhibit No. 5?  
 24 A. Yes.

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1 Q. And is this your application for salary  
 2 continuance with Taylor during your FMLA leave?  
 3 A. Yes. Now that I see the title on top, that's  
 4 what it's referred to as.  
 5 Q. All right. I'm handing you now what's been  
 6 marked as Deposition Exhibit No. 6. Would you  
 7 take a moment to review that, please?  
 8 A. Okay.  
 9 Q. Is that your signature on the last page of  
 10 Deposition Exhibit No. 6?  
 11 A. Yes.  
 12 Q. Can you tell me what this is?  
 13 A. This looks like a combination of office paperwork  
 14 from Jansson for the leave that I took in  
 15 October, 2001 and it also looks like a form that  
 16 I believe Dr. Rein had to fill out and sign. So  
 17 they're copies of both.  
 18 Q. This was your Family and Medical Leave Act leave  
 19 from October to November of 2001, correct?  
 20 A. Yes.  
 21 Q. Do you claim that Jansson retaliated against you  
 22 for taking this leave?  
 23 A. No.  
 24 Q. Did they impede or otherwise prevent you from

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1 asserting your rights under the Family and  
 2 Medical Leave Act for taking this leave?  
 3 A. No.  
 4 Q. On the second page of Exhibit 6, towards the  
 5 bottom, it says "Paid benefits SCP." Do you know  
 6 what that stands for?  
 7 A. No.  
 8 Q. Do you claim that Jansson did not fulfill any of  
 9 its duties or obligations under the Family and  
 10 Medical Leave Act when it granted you this leave?  
 11 A. What was the first part of the question? Did I  
 12 --  
 13 Q. Are you claiming that Jansson failed to --  
 14 MR. PALMQUIST: Could you read it back?  
 15 I'm sorry.  
 16 A. I just needed that first part.  
 17 Q. Okay.  
 18 A. I believe I want to say no but I just want to  
 19 make sure.  
 20 (Question read.)  
 21 A. No.  
 22 Q. Do you claim that Jansson took any adverse  
 23 employment action against you for your having  
 24 asserted or having taken this leave?

26 (Pages 98 to 101)

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1 A. No.  
 2 Q. I'm handing you what's been marked as Deposition  
 3 Exhibit No. 7. Take a moment to review that,  
 4 please, and let me know when you're done.  
 5 A. Okay.  
 6 Q. Can you tell me what this is?  
 7 A. This is a complaint filed with the discrimination  
 8 board in Massachusetts.  
 9 Q. And is everything in this Exhibit 7 true and  
 10 accurate to the best of your knowledge?  
 11 A. Yes.  
 12 Q. Is that your signature on the bottom of page one  
 13 of Exhibit 7?  
 14 A. Yes.  
 15 Q. And is that your signature -- I'm sorry. Strike  
 16 that. There is no signature.  
 17 I would like you to turn to page two of  
 18 Exhibit 7 and review paragraph number seven.  
 19 A. Okay.  
 20 Q. What led you to believe that it was medically  
 21 necessary for you to decrease your hours to a  
 22 four-day work week rather than the five or six  
 23 days that you had previously been working?  
 24 A. In talking to my fertility specialist in regards

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1 to my newly discovered pregnancy, I asked him to  
 2 give me an outline of the -- what to expect the  
 3 next couple of months. And he explained to me  
 4 that I would be considered a high-risk pregnancy  
 5 and that I needed to be careful, to take care of  
 6 myself. And as I said to you before, to be  
 7 responsible.  
 8 And that's when -- my husband was  
 9 present with me and he said that, you know, we  
 10 should discuss work. And I talked to Dr. Rein  
 11 about that. And he said that I was able to work  
 12 but to not go overboard. Just to be careful.  
 13 Because I wasn't quite out of the woods yet.  
 14 Q. Did you tell Miss Osoff it was medically  
 15 necessary for you to work a four-day work week?  
 16 A. I told her what Dr. Rein said. That we had  
 17 discussed it.  
 18 Q. And Dr. Rein hadn't specifically ordered you to  
 19 work four days a week; is that correct?  
 20 A. No.  
 21 Q. No, that's not correct, or no, he didn't order  
 22 you to work four days a week?  
 23 A. No. He didn't order me to work four days a week.  
 24 Q. On the third and fourth pages of Exhibit 7 is a

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1 listing of comments that you allege Ms. Osoff  
 2 made to you on December 7th. And it's December  
 3 7, 2001; is that correct? Is this a typo?  
 4 A. That's a typo.  
 5 Q. Have we talked about all of those comments here  
 6 today?  
 7 A. We've covered all of them.  
 8 Q. On the last page of Exhibit 7, paragraph 12, you  
 9 claim that "Unable to endure Miss Osoff's tirade  
 10 of discriminatory comments and arbitrary pay cut,  
 11 I was constructively discharged from my  
 12 position."  
 13 Do you know what that means?  
 14 A. Yes.  
 15 Q. What does that mean to you?  
 16 A. Well, I believe what it's saying here is Arlene's  
 17 comments to me being discriminatory between my  
 18 pregnant and my job and then between that and the  
 19 pay cut, that I was constructively discharged  
 20 from my position. I mean, it pretty much says it  
 21 right there.  
 22 Q. What does "constructively discharged" mean to  
 23 you?  
 24 A. Constructively discharged means that the

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1 situation at hand -- in other words, we couldn't  
 2 come to an agreement about what we were trying to  
 3 negotiate or compromise on.  
 4 Q. And so you were justified in leaving?  
 5 A. Yes. I wasn't actually fired but I was asked to  
 6 leave and to write my resignation.  
 7 Q. Under paragraph 14, you claim that Jansson's  
 8 treatment of you constitutes discrimination on  
 9 the basis of gender and pregnancy. Have we  
 10 talked today about all of the allegations that  
 11 you claim constitute discrimination on the basis  
 12 of gender and pregnancy?  
 13 A. Yes.  
 14 Q. Are there any other allegations that you haven't  
 15 talked about here today that you are including in  
 16 your claim against the company?  
 17 A. No.  
 18 Q. Paragraph 14 also indicates that you believe that  
 19 Jansson's treatment of you constitutes a  
 20 violation of the Family and Medical Leave Act.  
 21 How do you claim Jansson violated the Family and  
 22 Medical Leave Act?  
 23 A. Well, I'm not sure that I'm extremely well read  
 24 on the Family and Medical Leave Act and I went

27 (Pages 102 to 105)

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1 through the guidance of my counsel on that.  
 2 Q. But as you sit here today, you can't tell me any  
 3 facts that lead you to believe that the company  
 4 violated the Family and Medical Leave Act with  
 5 regard to your situation; is that correct?  
 6 A. Well, in not ensuring my position to be there for  
 7 me when I come back from my maternity leave, I  
 8 believe that there is some type of discrimination  
 9 there.  
 10 Q. Did you ever take maternity leave?  
 11 A. No, but it was on the table open for discussion.  
 12 Q. Paragraph 16 of Exhibit 7 indicates you claim you  
 13 have suffered emotional distress and lost wages  
 14 as a result of Jansson and Miss Osoff's treatment  
 15 of you. Have we talked about all the ways that  
 16 you claim to have suffered emotional distress  
 17 here today?  
 18 A. Yes.  
 19 Q. How much in lost wages are you claiming you have  
 20 suffered as a result of Jansson and Miss Osoff's  
 21 treatment of you?  
 22 A. At least a year's salary.  
 23 Q. And what do you base that on?  
 24 A. I base that on from the time I left and my

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1 aggressive job search through my pregnancy,  
 2 during the time that my child was born and after.  
 3 I wasn't able to retrieve or bounce back from  
 4 that within that year. And still to this day.  
 5 Q. Any other lost wages you're claiming in this  
 6 matter?  
 7 A. I'm not sure if it's considered wages but my  
 8 401(k) I had invested in, I think there was a  
 9 technicality of dates and that I wasn't entitled  
 10 my matched amount so I'm asking for that.  
 11 Q. Can you explain that to me a little bit? You had  
 12 an account and --  
 13 A. Yes.  
 14 Q. Your employer matched a certain amount?  
 15 A. There was a certain amount vested after a certain  
 16 date and there was a discrepancy in the date. I  
 17 think it was a matter of days.  
 18 Q. How much was in the 401(k)?  
 19 A. You know, I don't remember offhand. It was  
 20 several thousand. And then I believe there was  
 21 around 2,000 that was -- that I lost because of  
 22 that date change. And --  
 23 Q. These are funds that would have been contributed  
 24 to the account if you remained employed to a

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1 certain date?  
 2 A. Yes.  
 3 Q. And this would have been contributed from the  
 4 company to your account?  
 5 A. Yes.  
 6 Q. A sort of matching fund?  
 7 A. Yes.  
 8 Q. Is there any other element of damages that you  
 9 are claiming in this matter?  
 10 A. No.  
 11 Q. I'm handing you what's been marked as Patrick  
 12 Exhibit No. 8. It's a legal pleading dated  
 13 October 24, 2002. And the last page of Exhibit 8  
 14 is an affidavit of Laura E. Patrick dated October  
 15 24, 2002. Is that your signature on the last  
 16 page?  
 17 A. Yes.  
 18 Q. In paragraph one, you indicate, "At no time did I  
 19 request to change my position from an exempt  
 20 position to a nonexempt position." Do you know  
 21 what that means?  
 22 A. No, because it's never been described to me in  
 23 that wording before.  
 24 Q. Do you know who makes determinations about exempt

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1 and nonexempt employment at Jansson?  
 2 A. I believe Arlene to make all those decisions.  
 3 Q. In paragraph three, you indicate, "Miss Osoff  
 4 never told me that all managerial and salary  
 5 positions at Jansson have built into their salary  
 6 structure an assumption of five to seven hours of  
 7 overtime."  
 8 Is that still an accurate statement?  
 9 A. Yes, it is.  
 10 Q. Is it your claim that she never told you anything  
 11 about the assumptions that went into setting  
 12 salaries for salary level positions?  
 13 A. No.  
 14 Q. Paragraph four you indicate, "At no time did I  
 15 tell Miss Osoff that I wanted to decrease my  
 16 responsibilities."  
 17 Is that a true statement?  
 18 A. Yes, it is.  
 19 Q. Paragraph six, "I know the identity of the  
 20 employee referred to as NL. Upon reducing her  
 21 schedule, NL was tasked with the same exact --  
 22 the exact same responsibilities she had before  
 23 her reduction."  
 24 How do you know that?

28 (Pages 106 to 109)

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1 A. It was through my observation. And she was one  
 2 of the individuals that I wanted to speak to in  
 3 regards to that.  
 4 Q. I think we talked about -- this is Nicole Lee?  
 5 A. Yes.  
 6 Q. And you never talked to her?  
 7 A. No. I talked to her while she still worked at  
 8 Jansson because her office was right next to  
 9 mine.  
 10 Q. Did you talk about her change from salary to  
 11 hourly while she was still working there?  
 12 A. I believe yes, we did. And she said that she was  
 13 in agreement but that when -- that she would be  
 14 doing less responsibility so I thought her pay  
 15 cut was because she had stepped down from her  
 16 position. But she had mentioned to me that she  
 17 was still doing the same work.  
 18 Q. Did she complain to you while she was still  
 19 working there that she was still doing the same  
 20 work?  
 21 A. She made a statement to me once about it, which  
 22 is something that I had remembered, which is why  
 23 I wanted to talk to her to confirm.  
 24 Q. So when Arlene Osoff told you that your hourly

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1 wage was going to be different from what you  
 2 expected, that wasn't a surprise to you, was it?  
 3 A. Yes, it was.  
 4 Q. Yet you had seen other employees go from salary  
 5 to hourly and understood that their pay had  
 6 changed?  
 7 A. It was my impression that it was because they  
 8 were doing less responsibility. In other words,  
 9 they stepped down from their original position.  
 10 Q. And the job you were proposing had fewer  
 11 responsibilities than the one that you performed  
 12 before you went out on leave; isn't that right?  
 13 A. No, it wouldn't.  
 14 Q. All right. I'm handing you now what's been  
 15 marked as Deposition Exhibit No. 9. It's a copy  
 16 of the complaint in this matter.  
 17 Have you had a chance to review that?  
 18 A. Yes.  
 19 Q. Have you seen that before?  
 20 A. I don't believe so. I'm not sure. A lot of  
 21 these statements have been discussed.  
 22 Q. Is there anything in this document that we  
 23 haven't talked about yet today?  
 24 A. I believe we've touched on everything.

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1 Q. You applied for unemployment benefits after you  
 2 left Jansson?  
 3 A. Yes.  
 4 Q. And were they initially denied?  
 5 A. Yes.  
 6 Q. Why were they initially denied?  
 7 A. I don't know the exact reason. I just know that  
 8 the impression I was getting is that the other  
 9 party, because of the response from the other  
 10 party, they made the decision that it would not  
 11 be covered.  
 12 Q. And you appealed that decision?  
 13 A. Yes, I did.  
 14 Q. Did you have the help of an attorney?  
 15 A. Yes, I did.  
 16 Q. And was there an actual hearing on your appeal?  
 17 A. Yes, there was.  
 18 Q. And was Jansson represented at that hearing?  
 19 A. No, it was not.  
 20 Q. Did you go to the hearing?  
 21 A. Yes.  
 22 Q. And your attorney went with you?  
 23 A. Yes.  
 24 Q. Who else was there?

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1 A. Just the individual who was conducting the  
 2 hearing.  
 3 Q. What happened at the hearing?  
 4 A. They had a set of questions that they asked me.  
 5 I answered them. And after we were finished, she  
 6 said she would make a decision and let me know.  
 7 Q. Okay. Do you remember any of the questions they  
 8 asked you?  
 9 A. Similar to yours.  
 10 Q. On page five of Exhibit 9, paragraph 33 alleges  
 11 that "Jansson's policy of arbitrarily pro rating  
 12 downward the hourly salary rate of employees  
 13 working less than 40 hours per week disparately  
 14 impacts females in violation of Massachusetts  
 15 General Law Chapter 151B."  
 16 Do you know what that means?  
 17 A. I don't know exactly what Chapter 151B is. But  
 18 this policy that Arlene refers to seems to  
 19 directly affect the women in the company that  
 20 became pregnant and reduced their hours.  
 21 Q. Why do you claim it only impacts people who are  
 22 pregnant?  
 23 A. Because the individuals that I have spoken to or  
 24 felt experienced this were all females.

29 (Pages 110 to 113)

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1 Q. And those were Wendy, Anne and Nicole?  
 2 A. Yes.  
 3 Q. Anyone else?  
 4 A. There are other women that experienced the same  
 5 situation. Darlene, I can't remember her last  
 6 name. And Lucia McDougall. All of which I was  
 7 under the impression was taking on less  
 8 responsibility, taking -- doing a different job.  
 9 In turn, I thought their change in salary  
 10 reflected that.  
 11 MS. DEVER: I just ask, could we take  
 12 another break? I know --  
 13 MR. PALMQUIST: Sure.  
 14 MS. DEVER: I don't know if you're  
 15 reaching toward the end.  
 16 MR. PALMQUIST: I am. I'm getting  
 17 close. I'm getting very close.  
 18 MS. DEVER: Okay.  
 19 (Recess.)  
 20 (Question and answer read.)  
 21 Q. How do you know those individuals didn't have  
 22 decreased responsibilities?  
 23 A. I'm sorry. How did I --  
 24 Q. How do you know that -- let's start with Wendy

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1 Canty.  
 2 A. Mm-hmm.  
 3 Q. Did not have decreased responsibilities.  
 4 A. How did I know that Wendy didn't have --  
 5 Q. Yes. After she came back from her leave.  
 6 A. When I had talked to her over the phone, she said  
 7 that she really was doing the same job. Pretty  
 8 much the same tasks.  
 9 Q. She told you?  
 10 A. Yes.  
 11 Q. Okay. Was that true for Anne as well?  
 12 A. Yes.  
 13 Q. Did you ever talk to Lucia McDougall about that?  
 14 A. No, not really. It was just an observation.  
 15 Q. So no one told you that she was doing the same  
 16 responsibilities? You just observed that you  
 17 thought she was?  
 18 A. Yes. And technically she was -- her title was  
 19 taken away from her and assigned to someone else.  
 20 Q. But you don't personally know what duties and  
 21 responsibilities she had in her position, do you?  
 22 A. I do because I worked closely with her.  
 23 Q. Did you assign her duties and responsibilities?  
 24 A. No. That wasn't my job.

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1 Q. Who assigned the duties and responsibilities to  
 2 her?  
 3 A. Arlene.  
 4 Q. How do you know Darlene's responsibilities were  
 5 not reduced?  
 6 A. She worked in customer service as well. And  
 7 again, it was just my observation. I believe she  
 8 was taking on extra responsibilities during  
 9 somebody else's leave and then when it was her  
 10 turn, she also was -- she was doing different  
 11 responsibilities. So it was my impression  
 12 through my observation that Darlene was doing  
 13 less responsibility.  
 14 Q. Okay. And I think we talked about Nicole Lee?  
 15 A. Mm-hmm.  
 16 Q. She told Wendy that her duties -- she didn't  
 17 think her duties decreased? Is that correct?  
 18 A. I don't know what she told Wendy. I know that  
 19 she told Wendy that she would be willing to talk  
 20 to me and we would work something out for all of  
 21 us to meet. I think that's what we were trying  
 22 to do is to meet.  
 23 Q. You don't have any personal knowledge of what  
 24 Nicole Lee's duties and responsibilities were in

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1 her job, do you?  
 2 A. No, just an impression of what they would be like  
 3 because she worked for the commercial division  
 4 customer service and since I was familiar with  
 5 the setup of customer service, she was the  
 6 manager and I understood what the structure of it  
 7 was. And she had a very small office so she was  
 8 still taking on the same responsibilities even  
 9 after technically she was not the office manager  
 10 there.  
 11 Q. And you don't know what your duties and  
 12 responsibilities would have been under your  
 13 four-day work week because you never started  
 14 that, did you?  
 15 A. I knew what my responsibilities would be because  
 16 I knew what my job was and what needed to be  
 17 done.  
 18 Q. But you never worked that four-day work week, did  
 19 you?  
 20 A. Obviously. We never got to that point.  
 21 Q. Other than these examples that we've just talked  
 22 about, are you aware of any facts that lead you  
 23 to believe that Jansson's, quote, unquote, policy  
 24 of pro rating downward the hourly salary rate of

30 (Pages 114 to 117)

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<p style="text-align: right;">Page 118</p> <p>1 employees working less than 40 hours per week has  2 a disparate impact on females? Any other facts  3 that leads you to believe that, other than those  4 examples that we've talked about?  5 A. No.  6 Q. Okay. Are you aware of any situations where this  7 policy was applied to males?  8 A. No.  9 Q. Would you make the same claim if the policy was  10 applied to males?  11 A. Good question. I think I would -- I think it  12 would depend on if they were doing the same job.  13 If they were doing the same job, why should they  14 take a cut in pay just for doing the same job but  15 within different hours? If he was taking less  16 responsibility and doing a different job that was  17 valued at a less pay rate, then I could  18 understand that that applies.  19 Q. But if it were applied to a man, then it wouldn't  20 be discriminatory, would it?  21 A. I think it's discriminatory towards the position  22 as well. I am just familiar with it being with  23 women so it's -- it gives me the impression that  24 it really is a policy that seems to strongly</p>	<p style="text-align: right;">Page 120</p> <p>1 (Employee Acknowledgment marked Exhibit  2 No. 12.)  3 Q. I'm handing you two documents marked Deposition  4 Exhibits 11 and 12. Deposition Exhibit 11 is a  5 copy of the employee handbook at Jansson  6 effective January 1, 2001. And Deposition 12,  7 Exhibit 12 is an acknowledgment form dated April  8 11, 2001.  9 You don't have to look at the whole  10 handbook but if you could tell me if that's your  11 signature on Deposition Exhibit No. 12.  12 A. Yes, it is.  13 Q. And did you receive a handbook while you were  14 employed by Jansson?  15 A. Yes.  16 Q. Did you read it?  17 A. Yes.  18 Q. Does Deposition Exhibit 11 look like the handbook  19 you received? Take some time to look at it if  20 you need to.  21 A. Without knowing the exact content of this, it  22 looks like a copy of it. It was a booklet.  23 Q. Did you receive more than one handbook when you  24 were at Jansson?</p>
<p style="text-align: right;">Page 119</p> <p>1 discriminate women that happen to get pregnant.  2 Q. All right. I'm handing you now what's been  3 marked as Deposition Exhibit No. 10. These are  4 some disclosures that your attorney made in this  5 case. Have you seen these before?  6 A. I haven't actually seen this paperwork. I never  7 actually saw my personnel file. I did see the  8 correspondence between myself and Jansson  9 concerning the settlement demand and the charge  10 of discrimination. If that's what you're  11 referring to.  12 Q. I'm just asking if you've seen this before.  13 A. Okay.  14 Q. Have you seen it before today?  15 A. I haven't seen this actual paper.  16 Q. Before today. Okay. Were you aware that Jansson  17 made an offer of reinstatement to you?  18 A. Define "reinstatement."  19 Q. Giving you your job back.  20 A. Yes. Through Joel.  21 Q. Why did you reject that?  22 A. I didn't feel confident working for a company  23 that I felt didn't support me.  24 Q. We're going to mark one more here.</p>	<p style="text-align: right;">Page 121</p> <p>1 A. Just this one.  2 MR. PALMQUIST: I just want to take a  3 very short break. I think we're probably done.  4 MS. DEVER: Okay.  5 (Recess.)  6 Q. Have we talked about all of the facts that  7 underlie your lawsuit against the company here  8 today?  9 A. I believe we have.  10 Q. Is there anything that you can think of before we  11 end that you are asserting that was unfair or  12 discriminatory or retaliatory by Jansson?  13 A. We pretty much discussed it.  14 MR. PALMQUIST: I have no further  15 questions.  16 MS. DEVER: I have no questions.  17 MR. PALMQUIST: Okay.  18 (Whereupon, the deposition was  19 concluded at 2:36 p.m.)  20  21  22  23  24</p>



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Excerpt from Rule 30(e):  
Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him/her, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them.

\*\*\*\*\*

I, Laura Patrick, have examined the above transcript of my testimony and it is true and correct to the best of my knowledge, information and belief. Any corrections are noted on the errata sheet.

Signed under the pains and penalties of perjury this day of , 2005.

Deponent's Signature

On this day of , 2005, before me, the undersigned notary public, personally appeared , proved to me through satisfactory evidence of identification, which were , to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Notary Public

My commission expires:

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COMMONWEALTH OF MASSACHUSETTS  
ESSEX, SS.

I, Susan L. Prokopik, Registered Merit Reporter and Notary Public duly commissioned and qualified in and for the Commonwealth of Massachusetts do hereby certify that there came before me on the 25th day of January, 2005 the person hereinbefore named, who was satisfactorily identified by me and duly sworn to testify to the truth of her knowledge concerning the matters in controversy in this cause; that she was thereupon carefully examined upon her oath and her examination reduced to typewriting under my direction; and that the deposition is a true and accurate record of the testimony given by the witness.

I further certify that I am not interested in the cause of this action.

SUSAN L. PROKOPIK, RMR, CRR  
(CSR #124893)

My commission expires:  
April 15, 2005

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